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THE UNION OF THE CHURCHES.[1]

I.

THE Sovereign Pontiff Leo XIII., feeling himself in duty bound to discharge faithfully all the offices of a Good Shepherd, and mindful of the injunction of Christ who wishes that the erring sheep should be sought out and brought back to the fold, addressed, in June, 1894, an Apostolic Letter[2] to the rulers and nations of the world, with a view of leading them to return to the unity of the Catholic faith. As charity instinctively turns first to those who are most in need, the Holy Father directed his thoughts and apostolic zeal primarily to those nations to whom the light of the Gospel had never fully penetrated or among whom the faith, having been kindled for a time, was subsequently extinguished. In the next place, he addressed those countries and peoples who enjoy the blessings of the Gospel and recog-

1 The present article is the first part of a rejoinder to the arguments advanced by the Patriarch of Constantinople against the appeal of Leo XIII. to the Eastern schismatic churches, inviting them to return to the unity of faith with the Roman Catholic Church.

The papers are being simultaneously published in French, Greek and English translations from the Italian original which appears in the current issues of the *Civiltà Cattolica*. The version here given has been made with the authorization of Father Brandi, S.J., the writer, and Editor of the *Civiltà Cattolica*.

2 *Praeclara gratulationis*. Epist. Apost., June 20, 1894.

nize the Christian name, yet who, being misled through distrust and animosities, have become separated from the Mother Church of Rome, the centre and source of Catholic unity.

Among the latter must be numbered those Churches of the East, the antiquity of whose faith and the glory of whose attachment to the Christian name is recognized alike by Latins and Greeks. It is easy to understand, therefore, why the Sovereign Pastor of the Faithful should, in an especial manner and repeatedly, have turned to these Christians, whether of the Greek or any other oriental rite which separates them from the Mother Church, conjuring them with earnest solicitude to come back to the path from which they have departed, and assuring them that nothing should be wanting on the part of the Holy See to remove the causes of dissension and to further every measure for bringing about a reconciliation.[1] In truth there is in that portion of the above-mentioned letter which refers to this subject in particular, a singularly touching tone which appeals directly to the heart. It is the language of divine charity which flows from the bosom of Christ into the heart of His Vicar, and it is consoling to think that it has found an echo in many parts of the eastern nations. This is evident from the way in which the appeal of the Sovereign Pontiff has been received, especially by the Copts, the Syrians, the Armenians and the Ruthenians; it is likewise apparent from the public interest which the subject has aroused in the principal religious centres of Constantinople, Alexandria, Athens and Philipopolis, everywhere giving a fresh and strong impulse to the desire for union and conquering the old prejudices of many of the Greek dissenters.

II.

But as the grain mentioned in the parable of the Gospel produces good fruit only when it falls upon good ground, that is to say, upon docile hearts who readily receive the truth,

1 Litt. Apost. *Orientalium dignitas*. Nov. 30, 1894; and the Allocution of March 2, 1895.

whilst on the other hand it fails of a good harvest when the soil is arid or stony, such as hearts filled with pride and hardened by the habit of yielding to false doctrines—so the words of Leo XIII., whilst they found with many a ready acceptance promising to yield fruit thirty, sixty or a hundredfold, met in other parts only rocky ground and obstinate resistance which prevents their taking root and sprouting into fruitful growth.

An evidence of this resistance is the "Encyclical and Synodical Letter," recently issued by the Patriarch of Constantinople, which he addresses to the "*Most holy and dear brothers in Christ, the Metropolitans and Bishops, to their holy and sacred clergy, and to the entire pious and orthodox flock of his most holy throne of Constantinople.*"[1] In it the Most Exalted Patriarch not only rejects in explicit and formal language the appeal made by the Roman Pontiff to himself and his subjects, but seeks to strengthen the prejudices aud false position of the eastern schismatics by re-affirming the errors of Photius, and thus endeavors to prevent the people from returning to the bosom of the Mother Church which, in an evil hour, they had been led to abandon.

The Patriarch deemed it necessary to justify his conduct before the public and "for the safeguarding of faith and orthodoxy," as he expresses it, desired to state in an official manner the motives of his refusal to meet the advances made by the Sovereign Pontiff, and to indicate the reasons why he advises his pious flock and holy clergy "to be on their guard against the false prophet who, coming in the clothing

[1] *ΕΓΚΥΚΛΙΟΣ Πατριαρχικὴ καὶ Συνοδικὴ ἐπιστολὴ πρὸς τοὺς Ἱερωτάτους καὶ Θεοφιλεστάτους ἐν Χριστῷ ἀδελφοὺς Μητροπολίτας καὶ Ἐπισκόπους καὶ τὸν περὶ αὐτοὺς ἱερὸν καὶ εὐαγῆ κλῆρον καὶ ἅπαν τὸ εὐσεβὲς καὶ ὀρθόδοξον πλήρωμα τοῦ ἁγιωτάτου Ἀποστολικοῦ καὶ Πατριαρχικοῦ Θρόνου Κωνσταντινουπόλεως.*

The text which we follow here was published in the "Neologos" of Constantinople under date of 12 October, 1895. We retain the reference to paragraphs as found in the original Greek.

of a lamb, seeks to seduce them by vain and deceitful promises."

Every sincere Catholic will have reason to be grateful to the Patriarch for his statement; for since it contains an *authoritative* declaration of the reasons of his dissent, it gives us not only a clear view of his position, but enables us to recognize and make known to our readers on which side, in reality, the unreasonableness is found, and whether the wrong is with the Pope of Rome, who, setting aside those reasons as unreal or of no weight, desires and proposes the union; or whether the wrong is on the side of the Patriarch of Constantinople who, under a fictitious plea, seeks to make such union impossible.

From the fact that the *Patriarchal Letter* appears to be subscribed to by twelve other Bishops, we may conclude that their judgment or opinion coincides with his own, but we need not infer that the *pious flock* and the inferior *holy clergy* by whom the flock is principally directed, is swayed by the same prejudices. Identity of belief found among the head and all the members is a prerogative of the Roman Catholic Church, in which alone, as a matter of fact, the unity of faith between the flock and its pastor has been preserved. For despite appearances to the contrary, there exists no real conformity of belief among the eastern schismatics on the subjects upon which the Patriarch insists. The separate Churches of the East are, in this respect, like the different sects of Protestantism. In the one as in the other, the bond which unites the lower order of pastors and their flocks to the one supreme and legitimate head, being broken, unity of doctrine becomes impossible, since the right of private judgment in matters of faith creates of necessity differences of view and dissension.

III.

The reasons advanced by the Patriarch for rejecting the offered proposal of union are not new but well known in the history of religious polemics, and, as we shall see in the course of this essay, have been a thousand times examined

and refuted, not only by the Latins but even by the Greeks themselves. They—nine in number—can be reduced to one, namely, to the so-called *anti-evangelical innovations* which the Bishops of Rome are said to have introduced into the Church. They are the addition of the *Filioque* to the Creed, aspersion used in Baptism instead of the three immersions, the use of unleavened bread instead of leavened for the Holy Sacrifice, the consecration of the Eucharist by the words of Christ, the forbidding of the laity to partake of the chalice, the existence of purgatory, and in fine, the proclamation of the Immaculate Conception, as well as the Primacy and Infallibility of the Pope. "These are" according to the Patriarch "the important and arbitrary innovations of the Papal Church concerning the faith and government of the Church, about which the Papal Encyclical, for its own purposes, maintains silence. These innovations, which have reference to the substantial foundation of faith and of ecclesiastical administration, and which are manifestly contrary to the conditions of the Church in the first nine centuries, are such as render the desired union of the Churches impossible."[1]

To proceed with order and clearness it will be well, before entering upon the discussion of the historical and theological aspect of these innovations, to point out two serious errors in the Patriarch's document, which are the foundation of all the others. The first has reference to a question *of fact*, namely, whether Leo XIII. in inviting the Eastern Churches to the union, has, by a species of self-contradiction, perverted the very notion of Catholic unity; the second is a question *of right*, namely, whether the Church, in order to remain unchanged and as instituted by Christ, such as she was during the first nine centuries, must continue stationary, so as to

[1] *Τοιαῦται, συντόμως εἰπεῖν, αἱ περὶ τὴν πίστιν καὶ τὸ διοικητικὸν τῆς Ἐκκλησιας πολίτευμα σπουδαῖαι καὶ αὐθαίρετοι καινοτομίαι τῆς παπικῆς Ἐκκλησίας, ἃς πρόδηλον ὅτι σκοπίμως ἀποσιωπᾷ ἡ παπικὴ ἐγκύκλιος. Αἱ καινοτομίαι αὗται, ἀναφερόμεναι εἰς οὐσιώδη κεφάλαια τῆς πίστεως καὶ τοῦ διοικητικοῦ συστήματος τῆς Ἐκκλησίας καὶ προφανῶς ἀντικείμεναι εἰς τὸ ἐκκλησιαστικὸν καθεστὼς τῶν ἐννέα πρώτων αἰώνων, ποιοῦσιν ἀδύνατον τὴν ποθητὴν ἕνωσιν τῶν Ἐκκλησιῶν.—Encyclic. Lett.*, § 21.

exclude all progress or development in her faith and discipline.

IV.

Speaking of the union, the Patriarch writes thus: "The sacred and vivid desire of the holy, catholic, apostolic, orthodox Church of Christ—thus he designates his own Church of Constantinople[1]—is the union of all the separated Churches with her, in the canons of faith; but without the unity of faith the desired union is impossible. This being so, it has really surprised us to see that the Most Blessed Pope Leo XIII. who knows this truth, contradicts himself when he declares on the one side that the true union consists in the unity of faith, and on the other that each Church, even after the union, *can maintain her dogmatical and canonical maxims* although they be different from those of the Papal Church."

[1] *Πόθος ἱερὸς καὶ ἐνδόμυχος τῆς ἁγίας καθολικῆς καὶ ὀρθοδόξου ἀποστολικῆς τοῦ Χριστοῦ Ἐκκλησίας ὑπάρχει, ὡς προεῖρηται, ἡ τῶν ἀπεσχισμένων Ἐκκλησῶν ἕνωσις μετ' αὐτῆς ἐν τῷ ἑνὶ κανόνι τῆς πίστεως ἀλλ' ἄνευ τοιαύτης ἐν τῇ πίστει ἑνότητος ἀδύνατος ἀποβαίνει ἡ ποθητὴ τῶν Ἐκκλησιῶν ἕνωσις. Τούτων δὲ οὕτως ἐχόντων, ἀποροῦμεν τῇ ἀληθείᾳ πῶς ὁ Μακαρ. πάπας Λέων ὁ ΙΓ', καίπερ ὁμολογῶν καὶ αὐτὸς τὴν ἀλήθειαν ταύτην, περιπίπτει εἰς προφανῆ πρὸς ἑαυτὸν ἀντίφασιν, διακηρύττων, ἀφ' ἑνὸς μὲν ὅτι ἡ ἀληθὴς ἑνότης ἔγκειται ἐν τῷ ἑνταίῳ τῆς πίστεως, ἀφ' ἑτέρου δὲ ὅτι πᾶσα Ἐκκλησία καὶ μετὰ τὴν ἕνωσιν δύναται κατέχειν τοὺς ἑαυτῆς δογματικοὺς καὶ κανονικοὺς ὅρους, ἑστωσαν οὗτοι καὶ διάφοροι τῶν τῆς παπικῆς Ἐκκλησίας, ὡς ἀποφαίνεται ἡ Αὐτοῦ Μακαριότης διὰ νεωτέρας ἐγκυκλίου ὑπὸ χρονολογίαν* 30 *νοεμβρ.* 1894.—*Encycl. Lett.*, § 4.

[It must be noted that the Patriarch omits here to call the Greek Church *one*, as indeed he should have done throughout his Encyclical. The omission is important and must be rightly understood, for how can the Photian Church be called *one* since it is divided into four schismatical patriarchal churches, independent of one another? As they refuse subjection to the successors of St. Peter, they forfeit the right to command others in the name of Christ; and no one is obliged to obey them any longer. In fact what jurisdiction has the Greek Patriarch of Constantinople in Russia? In the kingdom of Greece? In the Ionian Islands or any place else? In none of these places his jurisdiction is recognized, notwithstanding Can. 28 of the Council of Chalcedon which the Patriarch cites in his answer to the Pope of Rome and to which we shall revert in the course of this article.]

The contradiction which the Patriarch here attributes to the Pope is wholly imaginary and is founded solely upon the falsification of the text, cited from the Sovereign Pontiff's Letter of November 30, 1894. The Most Holy Patriarch, or whoever is the translator, substituted for the words "customs" (*consuetudines*) and "liturgical forms" or "sacred rites" (*varia rituum genera*) used by the Pope, the words *dogmatical and canonical maxims*, which words the Pope does not use; thus a legitimate concession in liturgical and ritual matters is changed into an unlawful concession as to matters of dogma and canons. Let, therefore, the illustrious Patriarch himself read the text in the original Latin and he will be convinced of the serious and inexcusable error into which he has been led.

The true text of the Pontiff's letter is as follows: "Neque ultimum illud fuit vigilantiae officium, ut proprias cujusque orientalis gentis *consuetudines*, *sacrorumque rationes*, quas pro potestate et sapientia sua legitimas edixisset, integras in eis perpetuo custodiret ac tueretur . . . Siquidem in *rituum* orientalium conservatione plus inest quam credi possit momenti. Augusta enim, qua *varia ea rituum genera* nobilitantur, antiquitas et praeclaro est ornamento Ecclesiae omni, et fidei catholicae divinam unitatem affirmat." In the same way Leo XIII. speaks in his previous Letter of 20 June of the same year. "Neque est cur dubitetis, quidquam propterea vel Nos vel successores Nostros de iure vestro, de patriarchalibus privilegiis, *de rituali cuiusque Ecclesiae consuetudine detracturos.* Quippe hoc etiam fuit, idemque est perpetuo futurum in consilio, disciplinaque Apostolicae Sedis positum, propriis cuiusque populi originibus moribusque ex aequo et bono non parce tribuere."

That this difference in the legitimate sacred rites of the Orientals, which Leo XIII. wisely desires should be preserved in their integrity, in no way interferes with the unity and substantial integrity of faith, the Patriarch himself expressly attests in the fifth paragraph of his Encyclical where, in con-

firmation, he cites the authority of Photius whom he styles *The Holy.*[1]

For the rest the Pope of Rome in that very same Apostolic Letter which the Patriarch of Constantinople proposes to reply to, had already with singular clearness and precision expressed his opinion on the nature of the union of Churches desired by him, positively excluding the idea "that it consisted only in some kind of commonalty or other of dogmas and an interchange of brotherly love." The union which Leo XIII. desires must be "plena et perfecta" and this, for Christians, cannot be any other than that which Christ the Founder of the Church instituted, and which consists in the unity of faith and in the unity of government. Here are his words: "Conjunctionem intelligimus *plenam ac perfectam:* talis enim esse *nullo modo* potest ea quae nihil amplius inducat, quam *certam aliquam* dogmatum credendorum concordiam fraternaeque caritatis commutationem. Vera conjunctio inter christianos est, quam auctor Ecclesiae Jesus Christus instituit voliutque, *in fidei et regiminis unitate consistens.*"

That which is to be especially regretted is the fact the Most Holy Patriarch, after having allowed himself to be misled by a false translation of the words of the Roman Pontiff takes occasion in his Encyclical "to his holy clergy and pious flock" to use irreverent and bitter language against the august Pope of Rome, who in recalling him to the Fold does not employ, and knows not how to employ other than words of peace and divine charity. Like Christ whose Vicar he is, he might justly repeat with the psalmist: "Cum his qui oderunt pacem, eram pacificus: cum loquebar illis, impugnabant me gratis."

[1] *Ἐν οἷς οὐκ ἔστι πίστις τὸ ἀθετούμενον, λέγει καὶ ὁ ἱερὸς Φώτιος, οὐδὲ κοινοῦ τε καὶ καθολικοῦ ψηφίσματος ἔκπτωσις, ἄλλων παρ' ἄλλοις ἐθῶν τε καὶ νομίμων φυλαττομένων, οὔτε τοὺς φύλακας ἀδικεῖν, οὔτε τοὺς μὴ παραδεξαμένους παρανομεῖν, ὀρθῶς ἄν τις κρίνειν εἰδὼς διορίσαιτο. ἐπιστ. γ', §. στ'.—Encycl. Letter,* § 5. *The Migne edition gives the literal text of Photius in Epistolarum lib. I., epist.* 2, P. G. Vol. 102, pag. 606.

V.

Count G. De Maistre compares the Eastern Churches separated from the Holy See to frozen corpses, which, whilst deprived of life, are still preserved in their outward form by the icy cold. A similar form without vitality is being maintained in the false assumption which runs through the whole Encyclical of the Patriarch of Constantinople, namely that "the evangelical truths and ecclesiastical canons do not admit of any progress in the course of time" and that, therefore, the Church, which is the guardian of them, must be said to change her principles unless she continues a rigid adherence to the ancient forms. If this principle be admitted one can easily understand how the Patriarch succeeds in proving by a series of facts that the Oriental Church, which, according to his opinion, is to-day what it was centuries ago, is alone the true and legitimate Church, holy, catholic and apostolic, and that the Roman Church, since the tenth century, having introduced many and divers innovations, is "separated and cut off from the true and orthodox Church of Christ."

But is it true that the Church, in order that she be the same as that instituted by Christ, must remain in a perpetually stationary condition? If this were the case, we should have to argue that not only the Church of Rome but the Greek and Oriental Churches have ceased to be the Church of Christ, since what the Church of Rome did since the tenth century had been done from the first centuries by the Greek and all the oriental and western churches. The Greek Church, in 325, solemnly sanctioned the important innovation of the introduction of the Symbol of Nice after the one attributed to the Apostles had been in use. She sanctioned the innovations of the Athanasian and Constantinopolitan Creeds; she consented to the innovations of the formulas ὁμοούσιος and θεοτόκος; she approved all the innovations introduced by the sacred canons of the first seven Ecumenical Councils; she did not oppose the innovations in the exercise of her jurisdiction, by which certain Churches passed over

from the obedience of one patriarch to that of another. Now, if these and many other dogmatical and canonical innovations did not prevent the Church of the first nine centuries and of the first seven Ecumenical Councils from being the same as in Apostolic days, why, we ask the Patriarch, do they prevent it to-day? And if these innovations were legitimate because they were made by the legitimate authority of the Church, why should the later innovations sanctioned by the same authority, *e. g.* by the Council of Florence, with the consent of all the Latin and Greek Fathers, be illegitimate?

To explain this point, which will give the key to the solution of the proposed difficulties, we should say that we must distinguish two kinds of *sameness;* one which is proper of inanimate, the other of animate beings. Inanimate beings, *e. g.* a rock or a statue remain the same when for centuries they retain with rigid immutability the same form. Animate beings are said to be the same when they develop that principle of life which they received at their birth, without altering it, moving forward to perfection according to their nature by regulated operations. In this sense we call the being whose body is developing from childhood into adult and vigorous manhood the same person. Likewise we call that society the *same* which, bound together by a primitive principle of right, develops that principle by subsequent legislation, in accord with its growth and the vicissitudes, to which every living being is subject, which render necessary new applications of fundamental laws and a new adjustment of time-honored relations.

The fundamental error of the dissenters, as we have just noticed, is that they confound immobility with indefectibility, and progressive development of life with innovations in principle. They consider that their churches have remained unchanged and immovable; therefore they believe that they are a perfect continuation of those churches which flourished in the first ages. But a corpse, although to all external appearances it may seem to be alive, is not the same being as the person whom it represented in life. The very fact of its immobility is a manifest sign of death. The

Church is not immovable but indefectible. She is a body, actuated by a perennial principle of life, because the Holy Ghost, who is a vivifying spirit, informs her.

The sameness, therefore, which is characteristic of the Church of Christ, is that which is proper of living organisms. As Christ established in her a living, perennial, authentic and infallible teaching authority by means of which He continues His mission on earth, so He conferred upon her the right, and where necessity or utility demands it, He imposed upon her the duty to determine and expound, according to the exigencies of the times and the birth of errors, those principles of faith, of morals, of administration, the first seed of which was confided to her by her Divine Founder, not to bury or hide it in a napkin, or to develop it only during the first nine centuries of her existence, but rather to cultivate it and make it fructify all days even to the consummation of the world. When, therefore, the Catholic Church, the jealous guardian and mistress of the sacred deposit, introduces those disciplinary changes and those public and explicit professions of faith which the times demand, far from opposing the will of God or from removing herself from ancient discipline, she rather follows it, manifesting constantly her divine life, and doing exactly in these later centuries what she did in the first nine centuries as witnessed in the decrees of the Councils of Nice, Chalcedon, Ephesus and Constantinople.

To pretend, therefore, as the Patriarch does, that the Catholic Church of the Nineteenth Century cannot be said to be the same as that instituted by Christ, unless she maintain precisely and rigidly the state and condition in which she was a thousand years ago, or as in the days of Constantine she emerged from the catacombs, is as much as to say that the grown man must return to the form of a child in order to preserve his identity.

VI.

What appears most strange in the Letter of the Patriarch of Constantinople, is that to sustain his theory of the cadav-

erous immobility of the Church by which he excludes all religious progress, he cites our Vincent of Lerins, who, he says, "educated and raised with the milk of parental devotion in the Monastery of Lerins in France in the fifth century, with true wisdom and orthodoxy explains the catholicity of faith and of the Church." Now one must be very ignorant of the Latin theologians not to know that among all the Christian Fathers, after St. Hilary, Vincent of Lerins is just the one who better and more diffusely than any of the others defends the thesis opposed to that sustained by the Patriarch.

"Sed forsitan dicit aliquis: nullusne ergo in Ecclesia Christi profectus habebitur religionis? Habeatur plane et maximus. Nam quis ille est tam invidus hominibus, tam exosus Deo qui istud prohibere conetur? Sed ita tamen ut vere *profectus sit ille fidei*, non permutatio. . . Christi vero Ecclesia sedula et cauta depositorum apud se dogmatum custos, nihil in his unquam permutat, nihil minuit, nihil addit, non amputat necessaria, non apponit superflua, non amittit sua, non usurpat aliena; sed omni industria hoc unum studet ut omnia fideliter, sapienterque tractando, si qua sunt illa antiquitus informata et inchoata, *accuret et poliat*, si qua iam expressa et enucleata, *consolidet*, *firmet;* si qua iam confirmata et definita, *custodiat*. . . . . Haereticorum novitatibus excitata, conciliorum suorum decretis catholica perfecit Ecclesia, ut quod prius a maioribus *sola* traditione susceperat, hoc deinde posteris *etiam per scripturae chirographum* consignaret, magnam rerum summam paucis literis comprehendendo, et plerumque propter intelligentiae lucem, non novum fidei sensum *novae appellationis* proprietate signando."[1]

Quite differently from the latter did this holy Doctor in the fifth century understand the unity of the Church, always firmly upholding her principles, but progressive in admitting development and legitimate deductions and in the application of the old principles to newly arising conditions.

1 *Commonit.*, n. 23. MIGNE P. L. Vol. 50, pag. 666-669.

VII.

The Patriarch of Constantinople, whilst citing Vincent of Lerins against the Pope of Rome, omits precisely the text which we have cited, being content to cite the one which precedes it and which derives its natural and obvious explanation from what follows. The text cited by him is the following well known canon, which the Protestants have so much abused: "In ipsa item catholica Ecclesia magnopere curandum est, *ut id teneamus quod ubique, quod semper, quod ab omnibus creditum est.* Hoc est enim vere proprieque catholicum, quod ipsa vis nominis ratioque declarat, quae omnia fere universaliter comprehendit. Sed hoc ita demum fiet, si sequamur universitatem, antiquitatem, consensionem."

The Saint, in these words, says nothing else than that that doctrine which has always been believed in every place and by all as of faith, must be retained as Catholic dogma. Surely this proposition, in the clear sense given to it by its author, is unhesitatingly accepted by all our Catholic theologians; and when taken in this sense, it in no manner contradicts that genuine development in matters of faith, taught by the same Doctor. The afore-mentioned canon, in order to exclude all kinds of progress, should have been understood as the Patriarch, with most Protestants, would have us understand it, *in sensu exclusivo*, that is to say, as implying that no doctrine can be Catholic dogma, and as such be defined by the Church, unless before the definition it was everywhere and always accepted as *of faith.* Now this is certainly not said in the alleged treatise; on the contrary it is positively excluded as is plain from the context, from the very nature of the thing and from the practice constantly followed by the Church in the seven Ecumenical Councils which the Patriarch venerates as infallible interpreters of the Word of God.[1]

1 Vincent of Lerins does not leave to the judgment of others the use of his principle but explains it according to the various cases which are wont to occur. His intention was to suggest a certain means by which to separate true from false doctrine when we find ourselves confronted by discordant opinions. He says in the place cited (n. 3) if there be a universal sentiment

From this it follows that the *innovations* attributed by the Patriarch of Constantinople to the Roman Church, are not to be condemned, simply because they are or appear to be innovations, for they can be very well justified by reason of that constant progress which is characteristic of the doctrine and discipline of the Catholic Church. It is true, we admit, that when we speak of doctrine, the innovations must truly constitute a *progress* and not a *change* of faith, because as Vincent of Lerins teaches that *progress implies that the thing be amplified in itself, whilst change indicates that a thing be made another different from what it was before.*[1]

The question, therefore, the answer to which either justifies or condemns the defence of the schism made by the Patriarch is very simple. It reduces itself to this, to determine whether the doctrinal innovations of the Roman Church, specified in the Constantinopolitan Encyclical impart a *change of faith* or rather mean simply *progressive development.* The Patriarch affirms, but does not prove, that they constitute a *change of faith;* and therefore he calls them anti-evangelical innovations (ἀντευαγγελικὰ νεωτερίσματα.) We on the contrary assert and shall demonstrate that they are the natural and legitimate development of faith committed to the Saints, and that therefore they indicate nothing else than a simple, but necessary and genuine progress.

Such is the assumption which, for the defence of truth and for the undeceiving of the simple we intend to make good in our next article. We shall try to be concise and simple in our exposition so as to give a perfectly clear view of the state of the question and its conclusions.

we must stand by it, if there be not, the case must be decided by reference to ancient tradition. If the ancient tradition likewise disagrees, we must have recourse to the decrees of Councils, to the opinions of the old approved doctors, etc. Among the Catholic theologians who have ex professo treated of the Lerins-Canon, the reader may consult Mazzella, *De Virtutibus Infusis*, Disp. II., Art. IX., n. 6, also the *Civiltà*, Serie VII., vol. 10, p. 683, etc.

1 ["Ad profectum pertinet ut in semetipsam unaquaeque res amplificetur; ad permutationem vero, ut aliquid ex alio in aliud transvertatur." *Common*, l. c. 668.]

THE HEBREW BIBLE.

IN his remarkable Encyclical on "The Study of Holy Scripture," our Holy Father, Leo XIII., expresses the wish that the clergy should become more and more acquainted with the Hebrew language and the original text of the Old Testament. This is, indeed, no novel direction given to Catholics, but merely an expression of authoritative approval of the importance which has been attached to the Hebrew text in the Church for so many ages.

The father of Biblical learning, Origen, was not simply one of the most distinguished commentators of the Greek Church, he was also one of the greatest Hebrew scholars of the world. In the Latin Church, the name of St. Jerome is associated with a real mastery of the Hebrew language, and with an excellent Latin translation of the original text of the Old Testament, which he quaintly styles the "*Hebraica Veritas.*"

Nor did the knowledge of the Oriental languages die out with these two great lights of the Church. St. Gregory of Tours tells us that when King Guntram entered Orleans in 540, he was met by a band of scholars from the bishop's school, who welcomed him in Hebrew and Syriac verses of their own composition. Bede, Alcuin, Scotus Erigena, certainly possessed a knowledge of Hebrew, and no doubt communicated it to some of their disciples. In fact, as we advance through the Middle Ages, notices become more frequent of scholars learned in Greek and Hebrew, and since they are named as engaged in the correction of manuscripts in those languages, it is evident that their learning was real and solid.

A more brilliant era, however, opens with the thirteenth century. St. Raymond Pennafort, with a view of promoting the critical study of the Scriptures, establishes Arabic and Hebrew courses in all the Dominican convents of Spain, and the school of the Sorbonne possesses among its seven chairs, one devoted to the "Interpretation of the Hebrew Text." At the beginning of the next century, Clement V. and the Council of Vienne give a new and more general impetus to

Oriental studies when they decree that Greek, Hebrew, Arabic and Chaldaic professorships shall be established in the universities of Paris, Oxford, Bologna and Salamanca; and it is well known that ever since, these great seats of learning have possessed both elementary and advanced courses of Oriental literature.

The reason of attaching so much importance to the study of Hebrew is apparent. It is clear that although the Septuagint and Vulgate translations convey substantially what is contained in the original documents, yet the meaning of the Divine message can be derived in its fulness only from the study of the original. But here another question arises, namely: with what amount of accuracy does the Hebrew Text in its present condition reproduce the original document; for, as we are reminded by Leo XIII., inspiration with its consequences attaches only to the Sacred Text as it came forth from the hand of the inspired writers. The main purpose of the following pages is to supply an answer to this important question, in the light of Christian traditions and of recent Biblical study.

I.

To students even faintly acquainted with Hebrew, a rapid examination of a page of the Hebrew Text as it has come down to us, cannot fail to prove interesting. There is first of all, the *Text* itself made up of the Hebrew letters and constellated with dots and signs of various descriptions. These letters are the consonants which formerly in Hebrew, as indeed in all the Oriental languages, were the only thing the reader had before his eyes. Of course, the bare consonants appear to us now but a very imperfect means for the correct reading of the Sacred Text, the more so because the same combination of consonants often admits of being supplied with divers sets of vowel sounds. But at the time when Hebrew was a living language, oral tradition and the context were deemed sufficient guides for the purpose. In fact, only several centuries after Hebrew had ceased to be spoken and had become unfamiliar to the Jews at large, were various

signs devised to secure the correct reading of the Original Text, and placed in or around the consonants. Many of the signs, like those in our pronouncing dictionaries, point out the correct way of articulating the consonants or indicate the exact vowel sounds with which the letters should be coupled. Other signs constitute a regular system of accents intended to regulate the modulated reading of the Sacred Text. They make known to the reader which syllable in each word must be pronounced with a special stress of the voice, which words in the sentence should be either separated from or connected with each other, and finally what is the musical cadence required by the various groups of words.

Such is the wonderful reading apparatus with which each single page of the Original Hebrew is actually supplied. Its origin is traced back to learned Jewish Rabbis who succeeded one another in the Schools of Palestine between the sixth and tenth centuries of our era. They busied themselves with writing down the oral traditions of their ancestors respecting the Sacred Text, and for this reason, they have been called the "Massoretes" from the Hebrew word "Massôrāh" which means "tradition." How truly faithful to tradition they were in introducing the vowel signs, is evinced by comparing the pronunciation which they indicate as the correct one, with the column of the "Hexapla" in which Origen gives in Greek letters the pronunciation of the Hebrew Text received at the beginning of the third century.

Nor were they less faithful to tradition in transcribing the consonants they had before their eyes. And for proof of this, we have only to consult the *margin* of the Hebrew Bible, whenever the reader is directed to do so by a small circle inserted in the Text. At times, we shall find that the margin bids the reader transpose, interchange, restore or remove a consonant, whilst at other times it directs him to omit or insert even an entire word. Now, this clearly implies that to the mind of our learned Jewish Rabbis, the traditional Text was actually wrong in all these cases, and

that consequently, if they had been less anxious to hand it down in the precise form in which it lay before their eyes, they would have themselves made the desired corrections instead of simply prescribing them to the reader. At other times, the margin calls attention to peculiarities of writing, such as the presence of some consonant of unusual size, of some letter written above the line, of dots placed over a letter, etc. And here again, had the Massoretes been less particular about transmitting even the least details of the traditional Text, they would most naturally have done away with these and similar irregularities: the consonant of unusual size would have assumed the ordinary dimensions, the letter written above the line because at first forgotten by the scribe, would have been inserted in its proper place in the word, etc.

But, the Massoretes were not satisfied with transmitting most faithfully the consonantal Text as they had received it; they also wished to secure its intact preservation through future ages. With this end in view, they furnished copyists with various means of avoiding or detecting errors of transcription. One of these means is still found at the end of each book in our Hebrew Bibles. Thus, for instance, at the end of Genesis, the copyist is told that the book contains 1,534 verses, that the total number of its letters is 4,395, that the exact middle of the book occurs in chapter xxvii, 40; and lest he should forget these details, mnemonic words are supplied. As another means to secure exact transcripts of the Original, we may mention marginal notes found in larger Hebrew Bibles and usually introduced in connection with passages where any error was to be feared. Thus regarding the phrase "the Spirit of God" (Elohim) the note says: "it occurs eight times" and indicates the places. In all other cases but these eight, it is "the Spirit of the Lord" (Jehovah); and the note keeps the copyist from dropping into this easy mistake of writing the more common phrase. Elsewhere, the Massoretes put the copyists on their guard against changing the proper place of some small and apparently insignificant word. This is the case for instance

with Josue ix, 1, where we read "When all the kings who were beyond Jordan, the Hethite *and* the Amorite, the Chanaanite, the Pherezite, the Hevite *and* the Jebusite." There, a marginal note warns the transcriber to write the conjunction "*and*" (in Hebrew a single letter) only twice, and that before the second and before the sixth proper names.

The most powerful means, however, to prevent errors of transcription consists in the minute rules laid down for copying Synagogue manuscripts. The scribe must not write a single word from memory. He must attentively look upon each individual word in his exemplar and orally pronounce it before writing it down. In writing any of the Sacred Names of God, he must lift up his mind with devotion and reverence, etc. The copy must be examined within thirteen days. Some writers assert that a mistake of a single letter vitiates the entire codex; others, however, maintain that it is permitted to correct three in one sheet; if more are found, the copy is to be condemned as profane.

As might naturally be expected, these various precautions against possible errors of copyists have, at least to a great extent, produced their intended effect as is clearly shown by a comparison between the extant Hebrew manuscripts. The English Biblical scholar B. Kennicott (+ 1783) and the Italian professor de Rossi (+ 1831) have studied and compared about 1,600 copies, and the result of their examination is to the effect that each and all—as indeed do our ordinary Hebrew Bibles,—reproduce faithfully the Text of the Massoretes with its peculiarities of writing, its corrections and even its errors.

It is plain, therefore, that the Hebrew Text in its present condition goes back at least to the age of the Massoretes between the sixth and the tenth centuries of our era. But, when we bear in mind that these Jewish Rabbis did not tamper with the Original Hebrew, but simply transmitted it as they had received it from their ancestors, we may naturally suppose that the Text they had in hand went back itself to some centuries before. And positive grounds for this supposition are indeed forthcoming.

The Massoretic Text is the same as lay before St. Jerome four hundred years after Christ as the translation he made directly from the Hebrew proves beyond the possibility of doubt. It is the same as that which underlies certain translations into Aramaic called "Targums," which took shape about the third century of our era; the same as that which Origen used for his gigantic work of the "Hexapla"; indeed, the same as that which was received by the Jews early in the second century, when the Jewish proselyte Aquila made his translation into Greek, in which he renders and imitates the Original Text down to its minutest details.

Of course the comparison between our present Hebrew Bible and the ancient versions and manuscripts discloses many variations. But they are as a rule, very slight and do not affect the general state of the Text.

We are, therefore, in presence of this wonderful fact that for nearly eighteen hundred years, the form of the Hebrew Bible has been preserved practically unchanged. It bespeaks indeed the profound reverence of the Jews for the Word of God, their utmost care in carrying out the traditional rules laid down for its accurate transcription, and it has suggested to many scholars of past ages, and even of this century, a most natural inference. They have concluded from the deep reverence and successful care with which the Jews have handled the Original Hebrew ever since the coming of Christ, that a no less profound respect and no less successful care were exercised concerning it during the period which extends between the beginning of our era and the precise time at which the Sacred Books were composed.

To substantiate their position they have appealed to the assertion of Philo that "the Jews never altered a word of what was written by Moses," and to the far more explicit testimony of Josephus who in his treatise against Apion (Book 1, §8,) says: "How firmly we have given credit to these books of our nation is evident by what we do. For *during so many ages* as have *already past*, *no one* has been so bold as either *to add anything to them*, to *take anything from them*, or *to make any change in them.*"

Even making due allowance for the controversial tone and the exaggerated expressions of both these Jewish writers, it must be granted that their statements remain substantially true. The great care of the Jews in transcribing the Text of the Pentateuch or Law of Moses is made manifest by a comparison of the Septuagint Version of the Law with the Original Hebrew, and may be easily traced back to the memorable scene narrated in the second book of Esdras (chapt. viii), when Esdras "the Scribe," read to the assembled people the authoritative Text of the Mosaic Law, and when the returned exiles showed so much respect, not only for its general tenor, but even for its minute particulars. And it can hardly be doubted that under the long and powerful influence of the scribes whom Esdras had animated with his own zeal for the faithful preservation of the Sacred Text, a similar care was gradually extended to the transcription of the other books of the Hebrew Bible.

But besides these testimonies of Philo and Josephus, more reliable information has been derived from the books themselves to the effect that long centuries before Christ, the Original Hebrew was copied with great regard for its smallest particulars. The peculiarities of the different writers, books and times—archaisms, idioms, local shades of style, styles of writing, are preserved with wonderful fidelity. Nay more, even the smallest discrepancies between parallel passages were allowed to stand perfectly intact.[1]

These and similar facts seemed all to point to the same conclusion, viz.: That long centuries before Christ, the Jews considered the Sacred Text as the Word of God and surrounded its very words with the greatest reverence, so that the comparatively few copies which ever were in circulation among the official classes—princes, levites and prophets,—must have been preserved with no less care and success than those which were written since the beginning of the Christian era.

Indeed there is something tempting in the very complete-

1 Cfr. Ps. xiv (Vulgate Ps. xiii) with Ps. liii (Vulgate Ps. lii); and Ps. xviii (Vulgate Ps. xvii) with II Kings xxii.

ness of this theory. It would allow us to think that our Hebrew Bible not only presents the same text as existed about the time of our Lord, but even reproduces with perfect accuracy the Original Documents as they came forth from the hands of the Inspired Writers. But however tempting the theory, the following remarks will show that far from being supported, it is positively contradicted by a closer examination of the Hebrew Text itself, and has as a consequence to be considerably qualified.

II.

It is a well known fact that for the last hundred years, the Hebrew Bible has been the object of the most searching criticism. In numerous commentaries upon each one of its books, every sentence, almost every word of the Original Hebrew has been examined in its peculiar form and connection by the best trained scholars of Europe and America. The laws of Hebrew poetry hitherto unknown have been successfully applied as a means of testing the integrity of the poetical books or portions of books. Passages repeated in different places have served as a means of comparison to discover alterations, and Jewish traditions have been studied in their sources to testify to changes introduced into the very *consonants* composing the primitive Text. Finally, the ancient versions, more especially the Septuagint, have been carefully compared with the Original Hebrew, and many of the important variations discovered have been traced back to a text considerably different existing in Hebrew manuscripts of the second century before Christ.

The result of this immense labor has been to discover numberless alterations of various kinds; and a rapid examination of the most striking among them will be amply sufficient to convince the reader that the present Hebrew Text is far from reproducing perfectly the autographs of the Inspired Writers.

I. We may begin with some which are either *manifest* or *easily detected.*

Thus, all Biblical students are familiar with the alteration

in I Kings, xiii, 1, where in flagrant contradiction with all that we learn from the rest of the Sacred Narrative, it is said that "Saul was *one year old* when he began to reign, and he reigned *two years* in Israel." Evidently, some figures have dropped out of the Text.

An *omission* is no less manifest in Gen. iv 8, where we read in the Hebrew Text: "And Cain *said* to Abel his brother . . . . . *And* when they were in the field, Cain rose up against his brother," whilst we should read with all the Ancient Versions: "And Cain said to Abel his brother: "*let us go into the field.* And when they were in the field," etc. Again, Gen. xiv, 10, is no less manifestly defective, for we find "the *King* of Sodom and Gomorrha *turned their backs* and *were* overthrown," instead of "the King of Sodom *and the King* of Gomorrha turned their backs," etc.

Additions of various kinds are also easily detected. Take, for instance, what is recorded about the removal of the Ark in II Kings, vi, 3, 4:

Et imposuerunt arcam Dei super plaustrum
novum, et tulerunt eam de domo Aminadab in Gabaa,
et Oza et Ahio, filii Aminadab ducebant plaustrum
novum, et tulerunt eam de domo Aminadab in Gabaa
cum arca Dei et Oza præcedebat arcam.

The *fourth* line is plainly a mistaken repetition of the second: it interferes with the sense of the passage and was not found in the Hebrew manuscripts which the Septuagint rendered into Greek about two centuries before Christ. (For another example of a similar kind see Leviticus xx, 10).

Other manifest alterations through *substitution*, *transposition* of words, etc., might easily be pointed out,[1] so that in many cases, even without appealing to the Ancient Versions —the ordinary and safest means of verification,—a little reflection on each individual passage is all that is required to notice the alteration, and even to perceive the manner in which it happened.

1 Cfr. for instance I Kings xii, 14-15; I Paralip, iv 3; Deuter. xxxiii, 4; etc.

II. In *poetical* passages, *additions* or *omissions* can often be detected by keeping in mind the characteristics and rules of Hebrew poetry. Thus, the fact that several Psalms are *alphabetical*, that is, in which each line or each series of lines begins with the successive letters of the Hebrew alphabet, has led to the discovery that some of these Psalms have been very imperfectly transcribed by copyists. This is particularly true of Ps. ix and Ps. x (counted as one in the Vulgate, Ps. ix), in which the pairs of verses begin with the successive letters of the alphabet, and in which the absence of several of these letters points to the absence of the distichs which opened with them in the original form of the poem. Moreover, the disturbances noticeable in the order of the letters with which the distichs should begin, prove beyond doubt that several lines are no longer in the right place (cfr. Ps. ix, 19, 20, 21). A careful examination of the alphabetical Psalms xxiv (Heb. xxv), xxxiii (Heb. xxxiv), cxliv (Heb. cxlv) discloses similar alterations of the Hebrew Text.[1]

Among the elementary rules of Hebrew poetry there is one about which all Biblical scholars agree, and the careful application of which helps much to discover *omissions* and *additions*. It is the law of "Parallelism," in virtue of which one line must not stand alone in a Hebrew poem, but must be coupled with one or several others in such a way as to give to an idea its full and harmonious development. Take for instance, what Job says of the nether world which he describes as

A land sombre like night,
(A Land) of darkness and chaos,
And it is sombre like night. (Job x, 22.)

The *third* line is plainly an isolated line, all the rest of the poem being made up of distichs; and in consequence, we should consider it most likely with Dr. Gustavus Bickell, as

1 In Ps. cxliv, for instance, the distich which should begin with the fourteenth letter of the Hebrew alphabet (NUN) is missing in the Hebrew Text, but found in the Ancient Versions.

a mistaken repetition of the first line to which it bears very great resemblance in the Hebrew Text.

Again, in Ps. xviii (Heb. xix) made up likewise of distichs there are two isolated lines (first line of verse 6, and last line of verse 7), and this points very probably to the omission of their respective parallel lines.

Dr. Bickell, the great Catholic professor of Oriental Literature in Vienna, has of late exposed an entire system of Hebrew Poetry which leads him to admit countless defects of detail in almost all the poetical parts of the Old Testament. According to him, Hebrew poetry is the same as Syriac in this respect, that in it, syllables are not measured but counted in regular order: and he gives samples of metres varying from five to twelve syllables. Moreover, the parallelism of verses and thought is strictly carried out. His theory is certainly attractive, and has allowed him to point out real defects of various kinds which hardly any other means would enable us to detect or to correct with the same amount of probability. So that, should his system prove correct at least in its main lines, it would certainly afford a most powerful means to determine the extent of the deviations which exist between the poetical parts of the Hebrew Text and the Autographs of the Inspired Writers.

Most of the alterations thus far referred to, may be considered, it is true, as changes due to accident, not to design; and as such, they are reconcilable with deep reverence and earnest care in the transcription of the Original Text. Nevertheless, when we bear in mind that recent Biblical scholars are able to point out scores of a similar kind which existed already in those manuscripts from which the ancient versions were made, we must certainly admit that the manner in which the Original Hebrew was transmitted before the second century of our era, does not exhibit that minute and scrupulous care with which it has been copied ever since.

III.—The comparison of *parallel passages*, that is of passages which are found two or three times in different Books, or in different parts of the same Book, leads to the same conclusion, for it discloses even *intentional* alterations of a

character certainly unsuspected by ordinary students of the Bible.

Thus, the variations in *numbers* to be noticed in comparing the vast amount of historical matter common to the Books of Kings on the one hand and to the Books of Paralipomenon on the other, are at times very striking. The tendency of the Books of Paralipomenon is to turn "hundreds" into "thousands" (cfr. II Kings viii, 4 with I Paralip. xviii, 4; II Kings x, 18 with Paralip. xix, 18, etc.), and the departures from the figures now found in the Books of Kings are such as are not to be explained by any theory of expressing numerals by letters (we find, for instance, 3 for 8, 6 for 3, 5 for 2, 50 for 20, 7 for 5, 5 for 7, etc.); they are most likely then to be referred to *intentional* changes. To the same source we must very probably refer the following contradictions presented by the Hebrew Text of the Books of Kings and of Paralipomenon:

III Kings ix, 11: *Solomon gave Hiram* twenty cities in the land of Galilee.	II Paralip. viii, 2: The cities which *Hiram gave Solomon*, Solomon built (rebuilt) them and caused the children of Israel to dwell there.
III Kings xv, 14: But the *High places* were *not taken away*. Nevertheless the heart of Asa was perfect with Jehovah all his days.	II Paralip. xiv, 3 (Vulgate verse 2): For he (Asa) *took away* the altars of foreign worship *and* the *High* Places. (cfr. verse 5: Also *he took away* out of *all* the cities of Juda *the High Places*).

These two discrepancies in the Hebrew Bible existed already in the manuscripts used by the Septuagint, and consequently go back to scribes who lived long before the Christian era.

In these same Books of Kings and Paralipomenon, the Text rendered into Greek by the Septuagint contained also the following divergence in which one can hardly fail to recognize an *intentional* alteration:

II Kings xxiv, 1: And the *anger of Jehovah* was again kindled against Israel, and *He moved* David against them *saying*: Go, *number Israel.*	I Paralip. xx, 1. And *Satan* rose up against Israel, and *he moved* David to *number Israel.*

A close examination of the parallel *poetical* passages found in the old Testament proves that *intentional* changes were made in the Text by the ancient copyists. Thus in Ps. liii (Vulg. Ps. lii) which is simply a repetition of Ps. xiv (Vulg. Ps. xiii), we may notice among other designed alterations, that the name of "Jehovah" (the Lord) is carefully avoided and the word "Elohim" (God) substituted in its place. Variations of a similar kind could easily be pointed out between other parallel Psalms; and again, between Ps. xviii (Vulg. xvii) and the parallel section in II Kings chapt. xxii, etc.

IV. The unquestionably *intentional* alterations discovered in parallel passages naturally lead us to inquire whether similar alterations have not been introduced by scribes into the other parts of the Old Testament which are not given to us in duplicate. And to this question, *Jewish tradition* helps us to give an affirmative answer. In a work of the second century of our era, the Jewish Rabbis mention two readings in connection with eleven passages: the first is identical with our present Hebrew Text, the other is said to have stood there before the ancient Scribes *corrected* it; hence the name of "the Corrections of the Scribes" given to these eleven passages. Now a careful examination of the two readings has proved two things: *first*, that *only* the reading which existed *before* the correction *harmonizes* with the context, and indeed harmonizes so well as to appear manifestly the *primitive* reading of the Original Document; and *secondly*, that the ancient Scribes altered it, because they thought it contained either expressions irreverent to God, or statements objectionable on other grounds.[1]

There is evidence then to the effect that in passages which have no duplicate—for such are those included in the list of

2 Here is one specimen of these "Corrections of the Scribes": in Habac. i, 12 where the present Hebrew Text has: "Art Thou not from everlasting Jehovah, my God, my holy One? *We* shall not die," the Rabbinical tradition says that the former reading was: "*Thou* canst not die," which is evidently the true reading, but it was changed because it seemed irreverent to mention *dying* in connection with *Jehovah*, even in order to deny it.

the "Correctious of the scribes,"—the early guardians of the Original Hebrew made intentional changes in the very consonants composing the Sacred Text. How often they altered the Text in their desire to remove expressions which they deemed disedifying or otherwise objectionable cannot of course be exactly determined. But it is beyond question, that such changes were introduced in many more cases than are put on record. Thus, when Jero-*Baal* the primitive surname of Gideon in Judges vi, 32 appears under the form of Jero-*Bosheth* in II Kings xi, 21, it is plain that the ending "*Baal*" which is the name of a false deity, has been altered to "*Bosheth*" ("the Shameful thing") as a euphemism for the hated name. Again there is very good ground to admit that in order to avoid the union of the word "curse" with the Divine Name, the Scribes have substituted the word "bless" for "curse" or "blaspheme" in III Kings xxi, 10, 13; Job. ii, 9. Finally, to the superstitious reverence of the Jews for the most Sacred Name of "Jehovah" which led them ultimately not to pronounce it at all in the reading of the Holy Scriptures, we must certainly ascribe the fact that instead of "Jehovah" we find at times substituted the name "Elohim" as in many Psalms, at other times that of "Adonai" as in Ps. lxviii, 12, 18, 22, etc., and even once simply the word "the Name" (Leviticus xxiv, 11).

V.—These alterations of the consonants in the early copies of the Hebrew Text, the reality of which can scarcely be questioned, are mostly of an unimportant kind; yet, they are suggestive of others going deeper into the Text, and of which positive proofs are supplied by a careful comparison between our Hebrew Bible and the Septuagint Version.

This comparison has disclosed the existence of so many and so important differences that most Biblical scholars hold now that a Text considerably different from our present Hebrew Text must have been in circulation when this Greek translation was made. For on the one hand, they have felt that a mere appeal to the ignorance or caprice of the translators could not account for all the differences of detail they noticed, and of course much less still for the *extensive* addi-

tions or omissions, etc., connected more particularly with the four Books of Kings and the prophecies of Jeremias. And on the other hand, it seemed to them very improbable that a Text so different from the Standard Text, as the one which underlies the Septuagint Version, should have been found in but one copy, for why then was so imperfect a copy taken as a basis for the Greek Version of the Old Testament? Thus have contemporary Biblical scholars been led to admit that about the second century before Christ, the Hebrew Text—in these very important portions of Holy Writ,—existed in a variety of forms, one of which is represented by the Septuagint, and another by the Massoretic Text.

But this suggests the further question: "*How does our Hebrew Bible compare with the Text which underlies the Septuagint; is it better or worse?*" A detailed examination of this important question must evidently be referred to a future "Essay" on "*the Septuagint.*" It must be said, however, just here, that in very many cases where it differs from the Massoretic Text,—and indeed in several of the most important divergences,—the Text rendered into Greek by the Septuagint is manifestly the correct one; and in so far, it proves corresponding ancient corruptions in our present Hebrew Text, whilst it suggests that many others of a similar kind might be detected had we equally sure means of comparison.

We are thus led to the conclusion that while our Hebrew Bible reproduces with almost perfect occuracy a Text belonging to the beginning of the Christian era, it can by no means be said to represent with the same faithfulness the original work of the inspired writers. Proofs abound that the early scribes were far less careful than transcribers of later ages, that not only accidental changes have crept into the consonants of the Text, but that even intentional alterations have been introduced.

Perhaps many of the readers of this article have found that

these alterations are more numerous and more important than they suspected. And yet, they are not really greater than one might naturally expect in documents so long preserved, so often transcribed by all manner of copyists. Besides, however numerous and important, neither any one of them in particular, nor all combined, can be said to impair in any way seriously the Sacred Deposit of Revelation contained in the Divine Scriptures of the Old Testament. But, they are certainly calculated to make us realize how judicious were the reflections of the founder of biblical criticism, the French oratorian Richard Simon, (1638-1712) when at the beginning of his "Histoire Critique du Vieux Testament," he says: "Catholics who are persuaded that their religion does not rest solely on the Text of Holy Writ, but also on the tradition of the Church, have no reason to be scandalized at seeing that the national calamities of the Jews and the negligence of copyists have caused the Text of the Sacred Books to be altered in the same way as ordinary human productions. Only Protestants blinded by prejudice or ignorance can be scandalized at this fact. I speak of prejudiced or unlearned Protestants, for the best informed among them do not make any difficulty to admit that such alterations have been introduced into both the Old and New Testaments." (Histoire Critique, tome I., p. 8.)

Finally, these alterations are also calculated to make us constantly bear in mind that when we wish to make a scientific study of any portions or passages of Holy Writ, our first duty is to ascertain whether the Text before us is correct, and if incorrect, how the true reading can be obtained. This was the rule promulgated by St. Augustine long centuries ago: "Codicibus emendandis primitus invigilare debet solertia enrum qui Scripturas Divinas nosse desiderant" (*de doctrina Christina*, lib. II., cap. xiv); and the rule holds good down to the present day.

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SOME NOTES ON THE PROJECTED REFORM OF THE ROMAN BREVIARY UNDER BENEDICT XIV.

THE story of the Roman Breviary is not unlike the story of one of those ancient churches, which, scattered about all over Europe, are still the chief pride of the cities embellished by their loveliness.

At first they were mere hovels of mud and reeds put up by the unskilled hands of wandering priests, then timber took the place of turf, and yielded, in its turn, to brick or rugged stone, then came the glory of the thirteenth century—still ineffaced, and which, perchance, is ineffaceable,—then swiftly the efflorescence, the accretions, the debasement of the times which followed, then days of degradation, of mutilation, of white-wash, and then, at length, the dire ordeal of restoration.

So, too, the office of the Mother Church of Rome. Five centuries of archaism, one century of immediate preparation, and then the golden age—those two hundred years during which was developed beneath the vaults of the Vatican and the Lateran basilicas, and the basilica of St. Mary the Great, that Divine Cursus, which was afterwards destined to become the Cursus of Latin Christendom. There it was that the Roman sacrifice of song now moulded into that harmonious and poetic form, the main outlines of which it has ever since conserved, at length reached the acme of its perfection —a perfection which has nowhere at any time been surpassed, and which in the course of events it was found impossible to maintain.

Its downfall happened in this wise. The accretions which the next three hundred years had seen developed, like a cluster of Gothic chantries encumbering the grand simplicity of some old basilica—the creeds, we mean, and suffrages, and hymns, the daily recitation of the Lady Office, and the Office for the Dead, of the Gradual Psalms, and the Seven Psalms of Penitence, at length rendered choir-duty a task so irksome, that relief from it, in some direction had become a crying need, and in the curtailment of the lectionary, the

enrichment of the festal calendar, and the practical abolition of simple feasts a palliative was found.

At first this shortened office was only used by travelers. Before the end of the eleven hundreds it had been adopted by the Papal Court, ere another half century had passed, it became the official choir-book of the new order of Friars Minor, and with them, spread through Europe.

But the Franciscans did not make the Roman breviary their own without revision. Haymon of Faversham, an Englishman who at that time occupied the position of General of the Order, had first submitted it—we have it on the authority of John of Parma his immediate successor—to a "careful and pious correction," and, unhappily, the modifications introduced were not, if we except the addition of the four post-compline antiphons—an embellishment to the great liturgical epic which would make amends for greater blemishes than those which at this period actually befell it,—of a nature to commend themselves to the hypercritical.

True the ancient structural form of office was still maintained, the old antiphonary and the old responsory remained untouched, psalm followed psalm, and lesson followed lesson in the traditional order which from time immemorial had been observed, but the lectionary came forth from the ordeal attenuated and corrupt. From the lessons of the sanctoral, scripture was altogether excluded. Pseudo-patristical homilies, apocryphal acts of Apostles, fabulous legends of saints, notices of the early popes from the *Liber Pontificalis* interpolated with false decretals, such was the spiritual pabulum which had taken its place. But the age was not critical, and the new office had received pontifical approbation and for two hundred and fifty years no one thought of changing it.

Then in the beginning of the fifteen hundreds, a reaction set in. Under Leo X. and Clement VII. came the tentatives of Zachari Ferreri, and, under Clement VII. and Paul III., of Cardinal Quignon, the former doomed to die still-born, the latter, to exercise no lasting influence on the Church's

liturgy, but to perpetuate itself in the morning and evening offices of the Anglican Prayer Book. Then came the projected revision of Paul IV.—a revision which he did not live to realize, and at last in 1568 that grand reform, correction and restoration, which endowed the Church of Rome with a breviary which has since become the common office-book of Western Christendom; for the Roman Breviary of St. Pius V. save for some slight revision by Clement VIII., a more serious amendment, chiefly touching the hymnary, by Urban VIII., and the lectional corrections and the calendrical and rubrical changes introduced by the pontiff now gloriously reigning, is the Roman Breviary of to-day.

Such, in a few words, is the tale of the Divine Office. Had it not been for untoward circumstances the ending would have been different.

We refer to a forgotten chapter of liturgical history, the projected reforms under Benedict XIV. What they were and why it was they were never carried out the Abbé Batiffol in his own brilliant way has told the French reader. The object of the present paper, following for the most part in his footsteps, is to do as much for Englishmen.

When in 1740 that great liturgical student and classical scholar, Prosper Lambertini, put on the triple crown, among the one hundred and one projects pictured by his restless brain, a fresh revision of the Roman Breviary, as might have been expected, held a foremost place.

That its beauty was still marred by grievous blemishes was a fact which few denied. St. Pius' reform, though probably the best that the age was ripe for, in some respects had not gone far enough, in others had gone too far; at his lectionary the critical still looked askance, while the action of succeeding pontiffs had in great measure nullified one of the chief boons which his modifications were intended to confer.

Moreover, towards the close of the Grand Monarch's reign, the Gallican bishops of France made these defects an excuse for casting aside altogether the ancient use of Rome, and introducing in its place new breviaries drawn up on untradi-

tional lines, and infected, many of them, with the heresy which at that time was drying up the religious life of France.

Lambertini's project, then, was three-fold in its scope, and, like all his schemes, a brilliant one. He would provide the Western Church with a breviary, as accurate and perfect as profound historical research, sound scholarship, and the keenest criticism of a very critical age could make it; by thus taking away from them all excuse for liturgical separation, he would cut the ground from under the feet of the Gallican bishops; and so wrench from Jansenism one of its most insidious weapons.

He lost no time in putting this plan into working order, and one of his first acts on ascending the papal throne was to appoint a congregation to study the question of reform. This congregation was made up of eight members: Louis Valenti Gonzaga, who, by the Pope's special request, took upon himself the duties of secretary. He was a nephew of Cardinal Silvio Valenti Gonzaga, Secretary of State under Benedict XIV., and was himself created Cardinal by Clement XII. in 1759. Filippo Monti, Secretary of Propaganda, Nicolas Antonelli, Secretary of the Sacred College, Dominico Giorgi, a papal chaplain, Tomasi Sergio, consultor of the Holy Office, Francesco Baldini, consultor of Rites, Antonio Galli, a canon regular of St. John Lateran's, and Antonio Azzoguedi of the Friars Minor.

The consultors were practically at one as to the necessity of reform, but what kind of reform? This was the crucial question.

Benedict XIV. had received two memorials on the subject, one in Italian and one in French. The latter deplored the presence of certain historical errors which still disfigured the breviary text, disapproved of the arrangement of the psalms, since some of them were repeated over and over again, others never said, while the longest clustered round the Dominical office and the offices of the saints, pointed out that too many of the antiphons were vapid or altogether out of harmony with the services of which they formed a part, that among the feasts which of late years had been added to the calendar,

too many were distinguished with double rank, while the festivals of venerable and time-honored saints were observed as simples or semi-doubles, that by reason of the undue number of double feasts, these frequently fell on Sundays, and thereby ousted the Sunday Office, and that the time had now come when it would be well to give to the Roman Breviary a form calculated to remedy these defects.

The Italian memorandum, bearing witness to a reverence for antiquity and conservative tone of thought wholly wanting in the French document, was couched in very different language: the ancient structural form of the Roman *Cursus*, the number, that is, the order and arrangement of the hours, of the psalms, of the antiphons, of the lessons, of the collects and so forth, was so essential to its integrity, that any change or modification of it, would mean the practical abolition of the ancient Roman rite, but the various constituent parts of the breviary afforded, in detail, legitimate scope for revision, and, where necessary, reformation.

In a word, what the French memorialists wanted was a brand new breviary, while the Italians, very jealous of their ancient use, would hear of nothing more than its correction.

The Pope submitted both these documents to his committee of reform. The first session of this body was held on July 14, 1741, at the house of Monsignor Valenti, and it at once became apparent that the members who took part in it held sentiments as divergent as the sentiments expressed in the memoranda.

Broadly speaking they seem to have been unequally split up into two parties,—a conservative majority, and a minority in favor of innovation. The latter advocated an arrangement of the Psalter similar to that which had lately been adopted by some French churches, appointing ferial psalms for almost all saint's days. The conservatives pointed out that the Church of Rome had always been very tenacious of her own traditions, that the present distribution of the psalms was undoubtedly most ancient; and ought not, therefore, to be lightly laid aside, that the Congregation had been appointed to correct, and not to remake the breviary, and for

the rest, that it would be far better to leave the Psalter aside for the present, and begin their labors with the calendar. This proposition was at length adopted unanimously.

The consultors having now satisfied themselves that Benedict would have them simply take up the work of reform where St. Pius had left it, it became important to know what had been the motives which had inspired the correction of Pius.

As luck would have it Valenti had discovered a document which shed considerable light on this matter; an Italian letter attributed to Leonardo Marini, himself one of the committee of reformation under St. Pius V. In this letter Marini says, in effect, that the Congregation of which he was a member, convinced that the old fashion of praying was in itself good, and had only become odious on account of the accretions which had gradually been added thereto, determined to restore it to just proportions, moreover, fully satisfied that the ferial office was the fundamental office, they considered it unseemly that it should be the most rare of all, and that the weekly recitation of the Psalter should be continually interrupted, as was now the case, by the interpolation of proper psalms.

This was a most important find, and Valenti at once laid it before his colleagues.

A word of explanation is perhaps necessary. In the fifteenth century as we have already seen, the ferial office had entailed the recitation of various extra offices—the Lady Office, the Office for the Dead, and so forth, and to avoid this burthen, double festivals had been multiplied without measure, and feasts of three lessons practically abolished. To remedy all this Pius V. had withdrawn from the feria the onus of extra office, restored to simple feasts their complement of ferial psalms, given to Sunday office precedence over semi-doubles, and cut down the calendar, abolishing several feasts entirely, lowering the dignity of others, and reducing some to simple memorials.

But during the two hundred years which elapsed between the publication of the Tridentine Breviary and 1741, the

number of fixed double and semi-double feasts had increased from one hundred and thirty-eight to two hundred and twenty-eight, so that as the year contained, at that time, no less than thirty-six movable feasts also, the days free for the celebration of Sunday and ferial office were barely a hundred, and even of this hundred, the greater number were occupied, in most dioceses, by local festivals.

The situation, then, in 1741, had again become what it was in 1568, before the reform of St. Pius, and the fault lay entirely with the calendar, hence the consultors showed their wisdom in deciding to commence the revision with that part of the Breviary.

The first session devoted to this important proceeding was held on the eleventh of August, 1741, and the consultors began with the feasts of our Lord. Amongst others, the question was broached of restoring to the festival of the Circumcision, the title which distinguishes it in the Gregorian Sacramentary—*Octava Domini*, but the motion was not carried. Then some one suggested the abolition of Trinity Sunday and the Feast of the Transfiguration, both of which were of recent origin; but this proposal found with most of the members no better favor than the last, and it was at length decided to retain both of them, provided, in the case of the former, the antiphons and responses were carefully revised.

The most heated discussion raged round the feasts of the Invention and Exaltation of the Holy Cross. Some wished to suppress the Invention, others to unite the two feasts together, others again to retain them both, and these last carried the day.

To make a long story short, the only feast abolished was the Feast of the Holy Name.

M. Batiffol observes, with regard to this festival, that it had been conceded to the Friars Minor in 1530, and extended to the whole Church by Innocent XIII., in 1721. It was certainly observed in England at a much earlier date, and if we may credit the account given in the office for this feast as contained in the Sarum Breviary, its origin goes back to at least the days of Alexander IV., (1254-1261): *Romanus*

igitur Pontifex Alexander quartus, hujus sacratissimi nominis affectu, suave ipsius officium comprobavit, et auctoritate apostolica confirmavit . . . De Dulcissimo Nomine Jesu. Lectio 1.

But to continue, the discussions concerning the festivals of our Lord were not finished until November 21, having continued more than three months, and, on the same date, began the discussions concerning the feasts of our Lady.

The Purification, the Annunciation, the Assumption and the Nativity were all ancient festivals, and no one suggested their abolition, but it was questioned whether it would not be well to substitute for the word *Asssumptio*, the more ancient title of *Pausatio* or *Dormitio* or *Transitus*, lest by the liturgical consecration of the word *Assumptio*, the pious opinion that the body and soul of our Lady had been assumed into heaven, should at length come to be regarded as of Faith. It was finally, however, decided to retain the debated title.

After due discussion it was also determined to give octaves to the Nativity and the Assumption, but what rank these octaves should take was for the moment left undecided.

The festivals of the Visitation and the Conception were likewise retained, but, as to the advisability of retaining the octave of the latter, opinion was divided, those who supported the doctrine of the Immaculate Conception were in favor of retaining it, those who did not, voted for its abolition, and, as partisans and opponents were equally divided, it was ultimately decided to leave the question to the Holy Father's decision.

The festival of the Presentation had been eliminated by Pius V., and reinserted by Sixtus V., the Congregation, therefore, struck with the difficulty of determining what particular mystery was honored in this festival, at first resolved to abide by the decision of St. Pius, but afterwards, for some reason or other, they confirmed the action of Sixtus.

The festivals of the Holy Name of Mary, of the Rosary, of Our Lady of Mercy, of Our Lady of Mount Carmel, of the Seven Dolors, of the Espousals, of the Patronage, of the

Translation of the Holy House of Loretto, and of the Expectation, found but lukewarm support among the members of the Congregation, indeed, in favor of the retention of the last, not a single voice was raised. All of them were, therefore, abolished.

On the ninth of March, 1742, the feasts of the Angels were taken into consideration. Michaelmas Day, September 29th, was unanimously retained, but the other festival of St. Michael, May 8th, was unanimously struck out, for it was of interest only in the diocese of Siponto. There was a question, too, of abolishing the festival of the Guardian Angels, on the ground that it was but a repetition of the feast of the twenty-ninth of September, but, after some discussion, it was finally decided to retain it.

The consultors sat on April 20th, and again on May 1st, with the object of determining what Saints should hold their place in the calendar, but it was found impossible to come to any decision on this head, until Azzoguidi should have first drawn up a list of the feasts which, in the preceding reunions, they had decided to retain. Then matters came to a standstill. Giorgi, who was out of health, had gone to Castel-Gandolfo for rest and change of air, Galli to Bologna, to assist at the General Chapter of his Order, and it was impossible for the Congregation to meet.

Benedict, however, pressed the matter forward, and Valenti, who seems throughout to have been the moving spirit, agreed with Azzoguidi to prepare a project for a calendar, which should be submitted, when opportunity offered, to the assembled Congregation. In this list were to be inserted not only the feasts already decided on, but those also which, in his opinion, had the best chance of being admitted. When the calendar was drawn up, Valenti submitted it to Giorgi, for he had great hope, he said, that, if Giorgi approved, his other colleagues would follow suit. Meanwhile Monti, the president of the Congregation, and at whose house they had lately met, got a certain "learned man" to prepare for him a list of general rules to be observed in the redaction of the new calendar. Of these rules we know only one thing,—that

Valenti, Azzoguidi, Baldini and Galli were unanimous in their condemnation.

At length, on July 14th, 1742, the consultors once more assembled, and Valenti, who seems to have been a man of considerable tact and skill in the art of management, so working it that Monti should not speak of his rules, nor Azzoguidi of his calendar, himself proposed to retain only those feasts which, according to the Jesuit Guyet, were celebrated throughout the whole Church. After some discussion, it was agreed that it would be better to deal with each case separately, and in accordance with certain fixed principles. In other words, they determined

(i) To retain all saints whose names appeared in the Canon of the Mass, or whose feasts were mentioned in the ancient sacramentaries and calendars of the Roman Church.

(ii) Not to eliminate any saint whose *cultus* was ancient, provided his *acta* were reliable, or failing this, that there was extant a panegyric in his honor written by some Father of the Church.

(iii) To retain, of canonized Popes, only those whose *cultus* was ancient.

(iv) To retain all Doctors of the Church, and all founders of religious Orders, and one representative saint of each Christian nation.

(v) That all saints who did not come under one or other of the above classes, should be eliminated from the calendar, unless some very urgent reason should decide the consultors to act otherwise.

To go into further detail would be wearisome, and out of place in a magazine article. Let it suffice to note the zeal of Azzoguidi and the other consultors in examining and comparing MSS.—calendars, sacramentaries, and so forth, and in carefully and critically weighing the merits of each name proposed for insertion in the new calendar.

Their labors in this field were not completed until the end of September, and even then there still remained the task of arranging in calendrical form, from the papers of the Con-

gregation, a list of the feasts which it had been decided to admit.

This work was confided to Galli, who proposed devoting to it the autumn vacation, and by the seventh of December his list was drawn up.

The exodus of saints was a long one, the number of suppressed feasts amounting, with those already noted, to no less than ninety-four.

Among them St. Louis of Gonzaga, St. Vincent Ferrer, St. Francis Borgia, St. Andrew of Avellini, St. John of the Cross, St. Denis, St. Margaret of Cortona, St. Elizabeth, and fifteen Popes including St. Gregory VII.

The motives which inspired this last exclusion are significant.

The office had been granted to the Benedictine Order and the patriarchal Basilicas of Rome, by Clement XI. in 1719, and extended to the whole Church by Benedict XIII. in 1729. The French parliaments took exception to the passage in the lessons which recounts the Saint's opposition to the Emperor Henry IV. "*Contra Henrici imperatoris impios conatus* etc."—the same we still read—Cardinal Fleury quashed their edicts, but more than one French Bishop supported them. On July 31, 1729, Benedict XIII. condemned alike the action of the French parliaments and of their episcopal abettors, and on February 23, 1730, the Parliament of Paris condemned, in its turn, the Pope's condemnation. Similar opposition was also met with in Naples and in Austria, and Lambertini's Congregation thought to cut the knot, by abolishing altogether the obnoxious festival.

By the seventh of December, as we have already said, Galli had completed his list, but it was still only a list, the liturgical rank to be assigned to each feast being as yet undetermined. The first work, then, which occupied the consultors on their reassembling after the autumn holidays, was the consideration of this matter, and after a lengthy discussion the following changes were decided on.

Ten feasts only were henceforth to hold the rank of double of the first class: Christmas, Epiphany, Easter, Ascension,

Pentecost, Corpus Christi, the Nativity of St. John the Baptist, St. Peter's Day, the Assumption and All Saints' Day. Twenty-seven, double of the second class,—the Circumcision, Trinity, the Purification, Annunciation, Nativity and Conception of Our Lady, St. Joseph's Day, St. Stephen's Day, and Innocents' Day, the Finding and Exaltation of the Holy Cross, St. Laurence's Day, Michaelmas Day and the feasts each of the Apostles and Evangelists; twelve, greater double, twenty-three, semi-double, and sixty-three, simple. Moreover, there were to be twenty-nine commemorations.

For the rest, with the exception of St. Peter's Chair, St. Joseph and the Annunciation, all feasts of nine lessons falling in Lent were to be either transferred or altogether omitted.

The calendar being the cardinal point of the whole reform, the consultors in order to make sure of their ground, unanimously resolved before going any further, to submit the work which they had already accomplished to the Holy Father for his inspection, and Valenti was commissioned to lay the various documents before him. Benedict, he assures us, received them with great kindness, and said that he would presently examine them.

Meanwhile some one suggested to the secretary that the better plan would have been to have maintained all the feasts of the *sanctorale*, but to have reduced them all to simple rank. Who this individual was Valenti does not mention, but that he was a person entitled to speak—probably an ecclesiastic of distinction, may be inferred from the fact that Valenti lost no time in making the Pontiff acquainted with his opinion.

Benedict desired to know why the consultors had not followed this plan, and they informed him in writing, that it was thought necessary to cut out certain festivals, and, as to the project itself, it was altogether untraditional, and, were it adopted, would entail difficulties without end.

At length, having kept the projected calendar by him for nearly two years, the Pope at the instance of Cardinal Tencin, Crescenzi, the nuncio at Paris, and Valenti himself,

consented to appoint a Congregation of Cardinals to examine it.

This Congregation included our old friend Monti, who meanwhile had received the red hat, and four others—Gentili, Tamburini, Besozzi and Valenti, the uncle of Monsignor Valenti, who himself filled the office of secretary.

The new Congregation met for the first time on March 3, 1744, at the Quirinal, and though no fault was found with the projected calendar, it was determined for the present to come to no definite decision. The fact was, Cardinal Monti, who, as having been a member of the original Congregation had great authority with his colleagues, thought it would be more prudent first to submit the new calendar to Cardinal de Tencin at Paris, and be guided by his views. He was known to be an ardent partisan of reform, and a man of great weight with the French clergy. If then he approved, there was good ground for hope that all France would accept the new breviary, and if France accepted it, the other nations of Europe would certainly follow suit. Thus argued Monti, but some of the Cardinals were of a different opinion, and among them Tamburini.

The revision, he said, was not yet ripe for inspection abroad, the first thing to be done was to settle the psalter question, the consultors must at once take that matter in hand. This view was adopted.

The original Congregation, however, had lost two of its members. Monti, as we have seen, had been created Cardinal, and Azzoguidi was laid up out of town, and there was no hope of his return. Benedict, therefore, named two new consultors—Orlandi the *Procureur General* of the Celestines, and the Jesuit Father Giuli, who was at that time professor of Canon Law.

On the 19th of March the new Congregation assembled for the first time, and at once proceeded to discuss the question of the psalms. All were of opinion that the Roman *cursus* was ancient and ought to be maintained, but to give more weight to this view, Antonelli, Giorgi and Giuli were commissioned to make research among the ancient MSS. of

Rome. They did so, and the result of their inquiry, which fully justified the opinion of the consultors, was drawn up in memorial form and presented to the Congregation on June 17, 1744.

During this session also, it was decided that double feasts which fell on Sundays should be transferred; as to whether semi-doubles which fell on encumbered days should be transferred or reduced to simple memorials, opinion was divided, and no decision was taken.

Meanwhile rumors were abroad that the Pope was lukewarm in his desire for reform. Some said he was even opposed to it, and only permitted the consultors to discuss the question at all, in order not to wound the susceptibilities of certain influential persons.

These reports having at last reached Benedict's own ears, he sent for Valenti and bade him tell his colleagues that the report was utterly false, and that he hoped shortly the Congregation would assemble in his presence.

Soon afterwards he appointed a new consultor—Nicolas Lucari, a diplomatist who had just fulfilled an important mission in France, and was now secretary of Propaganda; and having, meanwhile, made himself acquainted with the consultors' last report on the psalter question, arranged that a mixed session of both Congregations should be held in his presence on Michaelmas Day.

The speech which Benedict made on this occasion is most important. He first spoke of the need of reform, which, he said, was necessitated by the existence of the same blemishes which the Fathers of the Council of Trent had pointed out two hundred years before—the disorders which had been reintroduced into the recitation of the psalter, the presence among the *historiae sanctorum* of untrue or doubtful legends, and the general want of literary polish and elegance in the breviary text. He next indicated the lines on which, in his opinion, the reform should be carried out. While fully approving the resolutions of the consultors as to the maintenance of the traditional sequences of the psalms, he insisted on the conservation for the psalter of the Vulgate text; nor

was he opposed to the rules which had been formulated touching the calendar, but he would supplement them with another. It was important, he said, to remember that, of the saints, some had been declared such before the time of Alexander III.—by the consensus of the whole Church, others since, some by the rite of canonization, some by the simple fact that a Mass and Office had been decreed in their honor by Pontifical authority. In determining what liturgical honors should be decreed to each saint, these three classes should be kept distinct in the minds of the consultors.

For the rest, he exhorted his hearers, to set to work in right good earnest—examining, correcting, polishing, were it needed, even cutting out and replacing whole passages; to share the labor between them, but not to fail to discuss together the results obtained before arriving at any definite decision, and, in fine, to lay before himself all resolutions.

Valenti epitomized this discourse, and having first submitted it to the Sovereign Pontiff, on the second of October, distributed it to the Cardinals and consultors.

As soon as the autumn vacation was over, they again set to work. Sessions were held on November the twenty-seventh, and on December the thirtieth, for the purpose of discussing the *Temporale*. Lucari, Antonelli and Giorgi, taking in hand the lessons and chapters, Sergio, Baldini, Giuli and Valenti the antiphons, verses, responds and hymns. On the sixth of January, 1745, they began the Proper of Saints, and on July the ninth, they were still working at it. Then, suddenly, the sitting of the Congregation was suspended.

Rumors were again rife, and that in Rome itself, that Benedict was not in earnest. Men who were known to be in a position to be rightly informed, gave credit to them. The Pope himself made no sign, and his very silence was looked upon as proof positive that rumor had not this time lied. The consultors were disheartened, including Valenti himself, who certainly ought to have known better, and for nearly a year not a single session was held.

At length the Pope, astonished at the delay, questioned Va-

lenti as to its cause, and was frankly informed by him what every one was saying. Benedict was dumbfounded, utterly denied the rumors in question, begged Valenti to lose no time in renewing the work of revision, and gave him a written authority, stating that this was his desire, in order that he might show it to his colleagues and so convince them of the Pope's good faith. He said, too, that he should like to see each one of the Commissioners separately, and assure them in person of his sincere wish to have the work in hand completed, that he was moved thereto more especially by the letters which he was continually receiving from France, and from Cardinal Tencin in particular, which gave him great hope for believing that the Roman reform would be wholly successful in that country.

This was on June 20, 1746. Two days later the Congregation again resumed their labors, sitting once a week at the house of Valenti, until August 12.

The revision of the *Proprium Sanctorum* for the first six months of the year was now finished, and on September 10 Valenti was able to lay before the Pope the result of their labors so far—*Specimen Breviarii reformati pars hiemalis et pars verna.* Benedict was delighted, and begged the secretary to see to it that the good work begun was completed with as little delay as possible.

The Congregation again met immediately after the autumn holidays—December 2—and continued their sittings once a week until March 10, 1747, when the whole work was at length done—the revision had taken exactly five years and eight months—and Valenti was able to place the second portion of his Specimen Breviarii Reformati in the Pope's hands. "We now await with confidence," he writes about Easter, 1747, "the decision of the Supreme Pontiff."

In a succeeding paper we hope to give some account of the changes introduced into the breviary text, and of Benedict XIVth's estimation of his Commissioners' *Specimen Breviarii Reformati.*

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"ADORO TE DEVOTE."

THE recent Indulgence granted to all the faithful for the devout recitation of this Hymn lifts into general prominence a fine example of the poetic art of the Angelic Doctor. The Rev. Dr. Neale, the great Anglican hymnologist and translator of the Latin hymns, prefixed to his translation of it an interesting note: "The following hymn of S. Thomas Aquinas to the Holy Eucharist was never in public use in the mediaeval Church; but it has been appended, as a private devotion, to most Missals. It is worthy of notice how the Angelic Doctor, as if afraid to employ any pomp of words on approaching so tremendous a Mystery, has used the very simplest expressions throughout." (Mediaeval Hymns and Sequences, 3d Ed., p. 176.)

Another feature of its excellence will perhaps attract the attention of the student of St. Thomas' Eucharistic hymns. Its rhythm could not have been more happily constructed to suggest the sense of the utter humility with which the Mystery is to be approached. The simple iambic measure moving forward with slow steps into a complete hexameter in the first line, fills the rhythmic sense with a well-defined content, which, however, in all the succeeding verses, halts, as it were, with momentary fear ere another footfall echoes through the temple of the soul. It is as though resolution, clearly formed and expressed at first, grows suddenly timid at the thought of its own presumption, and would fain retrace its pathway. The selection of appropriate rhythms is one of the most delicate tests of a poetic instinct. That St. Thomas possessed such an instinct, no one who has once read his hymns can doubt. But if this further test of metres is applied, perhaps even a keener insight would be gained of a fine phase of that poetic power. Without entering here at any length into the question, it may be pointed out that the *Verbum Supernum Prodiens* is written in the ordinary iambic tetrameter (not quantitative, of course, but accentual)—a metre well adapted to simple narrative; that the *Sacris Solemniis* (written apparently in imitation of the classical metres—the first three verses being Lesser Ascle-

piads, and the fourth verse being Glyconic), has a splendid swing to it that can suggest triumph and festivity even without a text to interpret; that the *Lauda Sion*, in the force and strength of its joyous trochaics and in its favorite mediaeval stanza-form of six verses, sustains well the burden of the thought—the stanza becoming especially significant, however, towards the close of the hymn, where the singer, as if cramped within even ample bounds, must give his joyful thought still broader field for expansion, and must therefore lengthen his metric form by two additional lines in the stanza; that the *Pange Lingua* adopts the metre of those many mediaeval songs of triumph which had already stamped on that metre a characteristic feature—a feature first bestowed upon that form of stanza, we believe, by the great singer and true poet of the sixth century, St. Venantius Fortunatus, in his *Pange Lingua Gloriosi Proelium Certaminis.*

Like mediaeval Latin poetry in general, the Eucharistic hymns make up in rhyme or assonance what they lack in quantitative measure. The rhymes of this "Rhythmus Sancti Thomae" are, notwithstanding the objections urged against the employment of rhyme as puerile and especially unworthy of adoption in the treatment of sublime themes, a decided gain in beauty. Theories of versification and of its ornaments should be corrected always by the actual effects sought for, and sometimes notably attained, by such external beauties of poetry. Here the poetic ear must be the best judge. Certainly, in the hymns of the Angelic Doctor, as well as in most of our modern poetry, the rhymes could not well be omitted. In this Rhythmus they were unquestionably beautiful and satisfying to the musical sense.

It will be noticed that the "Adoro Te Devote" is divided into stanzas of four lines each. In some versions of the hymn, a prayer, somewhat in the nature of a refrain, is inserted between the stanzas. There are two versions of the refrain: *Ave Jesu verum manhu, Christe Jesu adauge fidem omnium credentium*, and *Bone Jesu, pastor fidelium adauge fidem omnium in te sperantium.* The Rev. Edward Caswall

gave an English rendering of the second one in his Lyra Catholica, as follows:

Jesu, eternal Shepherd! hear our cry;
Increase the faith of all whose souls on Thee rely.

The Rhythmus has been translated some fifteen times into English. The translations of Caswall and Neale have been made with great regard to literalness. Caswall admits, however, three crudenesses in metre; Neale's version is melodious, but admits errors in the rhyming, such as *declared* as a rhyme with *Word*, and *God* with *blood*. The present writer has essayed a rendering which should seek to be as faithful as the limitations of rhyme and metre would permit, so that the translation might serve to gain the indulgence for those who should recite the hymn in English. In the following stanzas the metre has been divided at the cesura in order that both the original and the translation could be made to appear on the same page. The impression of sober solemnity has, it must be confessed, been not a little imperiled by this arrangement, which is meant to be one of convenience for the readers who may wish to satisfy themselves concerning the literalness of the translation.

ADORO TE DEVOTE.

Adoro te devote
latens Deitas,
Quae sub his figuris
vere latitas:
Tibi se cor meum
totum subjicit,
Quia te contemplans
totum deficit.

Devoutly I adore Thee
hidden Deity,
That beneath these figures
hidest verily:
Subject is my spirit
wholly to Thy sway,
For in contemplating
Thee it faints away.

Visus, tactus, gustus
in te fallitur,
Sed auditu solo
tuto creditur.
Credo quidquid dixit
Dei Filius,
Nil hoc verbo veritatis verius.

Taste and touch and vision
are deceived in Thee,
And the hearing only
can safe witness be.
I believe whatever
of the Lord is heard—
Nothing can be truer
than Truth's very word.

In cruce latebat
sola Deitas,
At hic latet simul
et humanitas:
Ambo tamen credens
atque confitens,
Peto quod petivit
latro poenitens.

On the cross was hidden
but the Deity;
Yet Thy Manhood even
here we may not see:
Nathless, both confessing
with the same belief,
I will make petition
like the dying Thief.

Plagas, sicut Thomas,
non intueor:
Deum tamen meum
te confiteor:
Fac me tibi semper
magis credere,
In te spem habere,
te diligere.

Though Thy wounds as
Thomas saw, I see not now:
Thee my lips shall ever
Lord and God avow.
Grant that I may ever
more and more believe,
Hope in Thee and love Thee
beyond all reprieve!

O memoriale
mortis Domini,
Panis vivus vitam
praestans homini,
Praesta meae menti
de te vivere,
Et te illi semper
dulce sapere.

O Memorial blessed
of the Saviour's death!
O true Bread that giveth
man his vital breath!
Let my longing bosom
feed on Thee alone,
And my heart forever
but Thy sweetness own!

Pie pellicane,
Jesu Domine,
Me immundum munda
tuo sanguine,
Cujus una stilla
salvum facere
Totum mundum quit ab
omni scelere.

Pelican most tender!
Jesus, Lord and God!
Wash my stainèd spirit
in Thy Precious Blood:
O a drop availeth
all the world to win
From its ban of bondage,
and its weight of sin!

Jesu, quem velatum
nunc adspicio,
Oro fiat illud,
quod tam sitio:
Ut te revelata
cernens facie,
Visu sim beatus
tuae gloriae.
Amen.

Jesu, whom but veilèd
see I here below,
Grant, I pray, the blessing
that I long for so!
That, the veil once riven,
in Thy fond embrace
I may see Thy glory
ever face to face.
Amen.

H. T. HENRY.

Overbrook Seminary.

THE "AUDITOR CURIAE,"

OR EXAMINING JUDGE IN ECCLESIASTICAL CASES.

(*Second Article.*)

III.

OTHER SOURCES OF INFORMATION.

First. Public and private documents, presumptions. How to use all this evidence.

Second. Auditor must have now reached an opinion about the fact of the crime and its author. "Semiplena probatio" sufficient to justify the citation of the accused. Here a new source of information, and according to Pellegrini, the most important part of whole inquiry.

Third. The summons—its nature—how failure of accused to answer the summons affects his case.

Fourth. Examination of accused. Why is he not sworn as the witnesses are? Auditor's tact exercised in getting the accused to state facts—or even to plead guilty. Auditor's knowledge of the case from previous witnesses, helps him to make his examination effective. Wise and practical advice of an old Canonist. Dignity and responsibility of judicial functions.

Fifth. Is the accused bound in conscience to admit his guilt, or to incriminate himself? Importance of the answer to auditor.

Sixth. Precautions to be taken if examination of accused cannot be concluded in one sitting.

IV.

CONCLUSION.

Effect produced by comparing the various depositions. Practical steps to be taken as a result of inquiry. Is the case to be dropped —or is it to be taken into the public court?

The judge will find another very fertile field of inquiry in a close study of the documents of the case. First of all, there are Canonical records and documents which of themselves constitute proof. The public acts and official documents of the state may be looked upon as having similar authority, but to give them this weight a special authorization of the bishop is needed. The fact should be noted and mentioned on the minutes. The regulations followed by the officiality of Paris, regulations which are a model and type of clearness and precision, and a lasting monument to the genius and practical ability of their author, contain the following in the 62 art.: "Par une délégation expresse et un mandat special que nous déclarons être donnés dans et par cet article, nous accordons à l'Official ou au Vice-official qui le remplace, le pouvoir :

1. D'admettre pour la cause soumise à son tribunal, suivant la valeur que leur donne la loi civile, tous les actes publics auxquels elle reconnait pleine force probante, jusqu'á inscription de faux, notamment les actes notarie's, les jugements, les actes de l'état civil.

2. D'admettre également, pour la cause soumise á son tribunal, et suivant leur valeur légale respective les autres actes de l'autorité seculière comme les reconnaisances ou vérifications d'écritures, etc.

Le jugement d'admission sera soigneusement mentionné dans les actes.

Néanmoins, dans ce cas, la partie qui attaque, devant le tribunal ecclesiastique, l'acte ainsi admis, n'a pas besoin de recourir à la formalité civile de l'inscription de faux, il lui

suffit de donner . . . une preuve clairement et pleinement péremptoire."

Again there are authentic private papers signed and sealed which custom puts on the same level with public documents; and consequently admissible as evidence and as proof. In addition to this, may be mentioned private notes, not authentic, which have a legal weight against the writer, but are useless in his favor. The information drawn from these various notes and records is frequently of the greatest importance in helping to establish the existence and the true character of a crime: so that the auditor can never be too strongly impressed with the necessity of making a critical examination and attentive study of these various documents.

In all likelihood these different sources of information will produce conviction. It may be, however, that even after the most intelligent and searching examination, doubt and misgivings still remain, and that the weight of evidence does not go beyond establishing a well founded presumption[1] or arousing a mere conjecture. There is a certain kind of circumstantial evidence or presumption which is frequently admitted in law as full proof. Here we have not to discuss what is known as the doctrine of presumptions, but merely to call attention to those conjectures which in law constitute a *praesumptio hominis*. The auditor will carefully analyze his own impressions to determine exactly what judgment he has come to, after a detailed study of the case. If mere suspicions or groundless presumptions, he will at once reject them, remembering the words of Reiffenstuel: "Quia praesumptio levis, utpote ex insufficientibus causis temerè concepta, importat suspicionem temerariam. Atque omnis suspicio potius repellenda est quam approbanda vel recipienda, ut loquitur textus citatus.[2] Can. *Oves* 6, Q. 1." If the conjec-

1. Blackstone writes: "Next to positive proof, circumstantial evidence or the doctrine of presumptions must take place; for when the fact cannot be demonstratively evinced, that which comes nearest to the proof of the fact is the proof of such circumstances as either necessarily or usually attend such facts. These are called *presumptions*."

2 Reiffenstuel in tit. xxiii *De Praesumptionibus*, § II, No. 31.

tures are serious, *i. e.*, corroborated by the results of ordinary experience, they count as imperfect evidence, and even sometimes they are entitled to the full weight of positive proof, especially when there is a concurrence of several presumptions of equal importance. Lastly, whilst admitting that the strongest circumstantial evidence is not sufficient to justify a sentence of condemnation, still, when the auditor is brought in presence of presumptions so strong that not even a shadow of doubt remains in his mind, he may in all security proceed to the opening of the public trial.

At this stage of the proceedings the existence of the crime is usually well established. The mature deliberations of the judge, who has weighed and pondered over the various proofs brought out both in the oral and documentary evidence, generally determines him to some fixed opinion on the whole inquiry. He knows, now, how the cause stands with the accused, whose innocence perhaps is clearly brought out, or against whom a sufficient case is established to warrant bringing it into court. When the investigation points to a probability of guilt (semi plena probatio) the auditor may press on the inquiry and summon the accused to appear in person.[1]

1 The judge has the following act drawn up by the notary. It counts among the official documents of the case. (We take the formula from *Bouix op. cit.* p. 548.)

"Cum ex actitatis hactenus ad minimum semi-plena habeatur probatio, de delicto . . . domino Andreae A—— objecto, nempè, quod . . . (et delictum vel delicta exprimantur) . . . cumque sic ex informatione summariâ emerserint à jure requisita ut dictus Andreas N——possit reus constitui et constitutus legitimè examinari; decrevit Reverendus N—— judex, praefatum Andream N—— reum constituere et examinare, aliaque prout de jure prosequi. Acta sunt haec, die . . . mensis . . . anno . . . N. judex . . . N . . . actuarius"

In case proceedings are not taken, the following act is drawn up instead of the one just given:

"Cum ex informatorio processu jam absoluto, ne semiplena quidem emerserit probatio de praetenso delicto à Domino Andrea N . . . perpetrato, nempè quod . . . (et ibi exprimitur delictum) . . . cumque hoc ipso desint à jure requisita ut dictus Andreas N——legitime possit reus constitui et examinari, decrevit Reverendus N——judex non esse contra eum ulteriùs procedendum. Acta sunt haec die . . . mensis . . . anno . . . N. judex . . . N. actuarius."

This is the concluding part of the auditor's duty, and one which, if not the most laborious, is that which requires the most careful attention and most delicate handling. Let us follow the auditor attentively in this matter.

According to Pellegrini the most important feature of the investigation is the examination of the accused. "Cum fundamentum judicii criminalis in examine reorum consistat, ceu basis edificii judicialis in examine responsionibus eorum oritur, vel absolutio vel condemnatio super delictis de quibus per judices inquiritur, idem cum summâ maturitate procedendum erit ad examen reorum delinquentium."[1] Convinced of the soundness of this principle, which is far from being exaggerated, we shall give a brief outline of the whole matter, dwelling chiefly upon the means to secure the attendance of the accused, then the line of conduct to be followed in his examination, and concluding by drawing attention to the final results of the inquiry as shown from a comparison between the depositions of the witnesses and the testimony of the accused.

The judge notifies the suspected party to appear before him, by serving him with a legal summons. When a trial follows the usual routine, the accused should receive three separate citations, the first for the preliminary inquiry, the second for the opening of the trial, and the third when judgment is to be pronounced. The summons is granted *auctoritate judicis*, and contains in a general way the reasons for the convocation.[2] It fixes the date and assigns the place of trial. A copy of it is kept and deposed among the papers in the case. If the accused resides outside the limits of the jurisdiction which has to try the case, the summons should be sent to him through the Episcopal Court of the place where he is domiciled; but, now, when the address of the accused is known, the summons is sent to him directly, by registered

1 *Pellegrini: Praxis Vicariorum*, Pars iv, Sec. ix, No. 1.

2 "Quod si ob accusationum qualitatem, vel aliâ de causâ haud expediat ut in intimatione exprimentur, in hoc satis erit innuere ipsum ad examen vocari, ut in causâ de quâ contra eum fit inquisito sese defendat." *Instr.* "Cum Magnopere" art. 23.

letter. A refusal to attend is looked upon as an act of contumacy and punished as a serious contempt of court. Some old authors regard this contumacy as an avowal of guilt, but the late Council of Baltimore[1] does not share this opinion, for it asserts positively that, even under these circumstances, the guilt of the accused must be proved judicially before proceeding to a condemnation. The unfavorable presumption created by the contempt of court justifies proceedings against the accused and authorizes the beginning of the trial. Usually the accused prefers to answer the charges urged against him, as he is anxious not to prejudice the tribunal against his case, by showing any want of deference to the Court. He answers the summons and the auditor proceeds to take depositions.[2]

Here the judge has to be, if possible, doubly attentive, since the *confessio rei* is the strongest evidence and it may be obtained either from a frank avowal, or the accused, seeing all concealment and subterfuge useless, may admit the facts and acknowledge his guilt.

The accused, like the witness, is examined before a notary of the court, who has to attest and sign the depositions. There is this difference between the procedure adopted in receiving the evidence of both, that the accused is not asked to testify upon oath. It is true that there is a law requiring the accused to swear to the truth of his evidence; and formerly this law was strictly enforced, but now custom sanctions, and we think very wisely, a different practice and does not exact an oath.[3]

1 Conc. Plen. Baltimorense III, n. 313.

2 This interrogatory is called the "Constitutum" because the formula employed by the notary is conceived in these terms: "Constitutus personaliter in curia coram Rev. N. . . . etc. meque actuario . . . D. N. fuit per eumdem interrogatus etc . . . "

3 Benedict XIII. in 1725 did away with the obligation of making the accused take an oath. He did this for all the tribunals of the Pontificial States (*Conc. Prov. Rom.* tit. xiii, cap. ii), experience showing the frequency of perjury in this practice. "Nec juramentum hujusmodi, ullatenus à reis in futurum per quoscunque judices et ministros, sub quocunque praetextu, causa, quaesito colore, volumus exigatur; aliàs examen sive constitutum, ac

It would be hard to fix with anything like precision the order to be followed in interrogating the accused. His social standing, the local habits and customs, the manifold circumstances surrounding the commission of the deed,—all tend to modify the line of examination to be followed and prevent anything like a fixed rule being adopted. To determine the form to be employed, the auditor will have to become penetrated, as it were, with the nature of the crime he has to bring out in evidence, and to forestall the probable methods to which the accused will have recourse in his efforts to baffle a searching inquiry. It is evident that an experienced judge will study beforehand all the wiles and shiftings; all the excuses and subterfuges which the circumstances of the accused and the nature of the crime may develop. The documents which he has in hand, and the information which he has gathered, put him in a most favorable position to guard against surprises. Pellegrini, whom we cannot quote too often, especially in connection with those matters of judicial procedure in which his long experience has given him undoubted weight and authority, formulates and insists upon the following points relative to this important matter.[1]

The judge, he says, should be perfectly conversant with all the facts about which he has to question the accused. He must not, however, be content with that alone. His functions are so noble and so great, that before undertaking to penetrate into the hidden secrets of another's heart, he should see that his own conscience is at peace. He should

acta omnia nulla sint in eo ipso, et irrita, omnique careant contra reum effectu." Soon all the ecclesiastical courts adopted this rule, and now it is universal. The true interpretation of this point, and the one which the canonists should long since have adopted, is perhaps what Benedict XIII. gave in 1725. In fact Mr. *Paul Fournier* (*Officialit'es*, p. 275) says that the texts of the Decretals, from which certain authors drew arguments to oblige the accused to give his evidence on oath, were only for very special forms of inquiry "super statu vel reformatione alicujus ecclesisae." Their application to other investigations would have come from a mistake of Durandus.—We cannot, however, deny that the Decretal, 'Qualiter et Quando' was always understood in the sense of affirming the general rule. Roffredus long before Durandus held the same view.

1 Cf. *Op. cit.* P. IV., sect. ix., p. 383, no. 27 et seq.

purge himself of his faults and failings, so that a salutary fear of God may inspire and actuate his work, and that an ardent striving for justice may be the sole aim and object of his efforts. We would fain see those old authors raise the minds of their readers far beyond the realms of dry texts and all the pettifogging minutiae of mere smartness and chicane, to recall in a striking and powerful appeal the greatness of the magistracy and the dignity of human justice, which holds here below the place of eternal justice. For, indeed, what right has any man, wilfully weak and erring, perhaps, like myself, to pry into the hidden secrets of my life and to unveil the failings and inconsistencies of my character, if he claims to do so as my equal? . . . but here, he who sits in judgment upon me, and with whom rests the equitable decision of my case, is not a mere man, another self, but he is God's own representative, and charged to exercise for the good and benefit of society, one of the Almighty's sovereign prerogatives. Hence must I not only respect the function, but also revere the one entrusted with its execution, and when to this exalted dignity of the judge is added the prestige of an innocent, blameless life, and of an unsullied reputation, respect follows naturally, truth is rendered easy, and submission becomes a fitting duty.

Developing another thought in the same order of ideas, Pellegrini goes on to say that the judge, being the minister of the God of Justice, should have no other aim than the discovery of truth. Like Him whose vice-regent he is, he becomes all to all, without prejudice and without passion. He will guard against discrimination and favoritism, and no matter with whom he has to deal, he will show the same gentle inflexible firmness to all—to the poor as well as to the rich, to the lowly and powerful alike, to the humble and unknown as well as to the great and lordly ones of the world. He will address the accused, whoever he may be, in a grave and serious tone, avoiding at the same time all condescendence which might lower his authority, and all coldness and severity of manner which might disconcert the one before him.

These lines, it is true, were intended by their author to apply to the judge, and especially to the presiding judge, but

seeing the intimate relations between the auditor and the accused, closer, if possible, than between the judge and the defendant, the application made is still more forceful and appropriate.

To discharge this duty properly, the auditor must, in addition, preserve his mind calm and free from all absorbing preoccupations. He should throw himself heart and soul into the matter, and put aside everything foreign to his work. Only in this way will he be able to give the accused that full and necessary attention which will enable him to see in his every feature, in every move and gesture, in the very tone and timbre of his voice, the inner sentiments he tries to express.

As to the nature of the questions to be put, we can only repeat what we mentioned before in connection with the examination of the witnesses. Any further discussion of the matter seems uncalled for. Care should be taken that promises of impunity be not held out as inducements to frank avowals and open confessions. Such a procedure, besides being irregular and *ultra vires*, would be an outrage on the Canons.

But is the accused obliged to answer the auditor, who, by a series of logical and closely connected questions, tries to arrive at a clear statement of facts and a thorough knowledge of the truth? At first sight the question seems more for the Moralist than for the Canonist, and in an article devoted solely to the *Auditor Curiae*, its place may seem questionable. A little reflection, however, will show how necessary for us is a solution of the question, for upon it will depend the personal conviction, the presumption of even certainty which the judge will draw from the mass of collected evidence.

An examining judge, exceeding his mandate, and as Canonists say, "non legitime interrogans," cannot oblige the accused to reply. If a direct answer can be avoided, or the question itself evaded without sacrificing truth, there is no obligation to make admissions to an unauthorized questioner. "Aliud enim est," says St. Thomas,[1] "veritatem tacere, aliud falsitatem proponere. Primum horum aliquando licet: non

1 S. Th. 2a. 2ae. Q. lxix a. 2.

enim tenetur quis omnem veritatem confiteri, sed illam solum, quam ab eo requirit judex secundum ordinem juris. Falsitatem autem proponere, in nullo casu licet alicui." But it is not always clear when the judge has overstepped his authority, or asked questions exceeding his rights. Hence doubts arise. Cajetan,[1] Lessius,[2] DeLugo,[3] Layman,[4] arguing from the double principle that the guilty party should have the benefit of any doubt arising, and again that no one is obliged to submit to grave hardships and inconveniences in obeying Superiors unless it be clear that their commands are just, conclude that the accused is not bound to answer. Bonacina,[5] following the well known axiom that in case of doubt what Superiors say is final and authoritative, compels obedience and compliance. Reiffenstuel[6] seems to have got at the only true solution. His answer is in harmony with the best authority and grounded on the safest principles. The judge should be answered, he tells us, "quandò concessâ auctoritate legitimi Superioris seu judicis, dubium est an res praecepta sit licita necne; secus autem ubi dubitatur an is habeat potestatem praecipiendi;" and consequently in practice, and to avoid all possible misunderstanding and confusion, he gives the following prudent advice: "Consultum erit ut judex antea denuntiet reo quod delictum de quo interrogabitur adeò sit probatum, vel quod ipse reus tantâ laboret deffamatione aut tam gravibus urgeatur indiciis, ut judici competat jus eum juridice interrogandi, sicque is veridice respondere teneatur. Quod si reus, talia indicia, vel probationem semiplenam adesse negaverit, oportet ut judex aperiat reo statum causae, probationes, indicia vel diffamationem jam probatam, ut videat se juridice interrogari, sicque respondere teneri." Looking only to the interest of the accused we would advise him to do all in his power to get the auditor to impart this information; but every one must see how shamefully these

1 2a. 2ae. Q. lxix, a. 1
2 Lib. ii de *justitia et jure*, Cap. xxxi, no. 10.
3 *De justitia* Disp. XL, n. 2 et 3.
4 Lib. III, sec. 3. tract iv, cap. v, n. 4.
5 *In Decalogum*, Disp. x, Q. iii, punct. ii, no. 4.
6 Lib. ii, Decret. tit. xviii, n. 162.

communications might be abused by a cunning scoundrel who would use them to baffle inquiry and turn the whole examination into a farce. It is, then, for the judge to see through such artifices and to impart the evidence very sparingly, unless it be of a nature that alone and uncorroborated it is conclusive.

Having said when it is permissible to evade answering the judge, we have now to state that there is a strict obligation to respond to every question lawfully proposed. The power to examine and the duty to reply are correlative: the measure of the one is the extent of the other.[1]

Such is the principle, but authors are very lenient in its application and provided that there is no formal untruth, they often seem to favor the silence of the accused. The following saying has almost been accepted as a maxim: "nulli taquisse nocet, nocet esse locutum." Though neat and epigrammatic, this need not be universally true, nor generally applicable.[2]

No matter what the accused says, he must be heard patiently and without interruption to the end. If he advances evident mis-statements, or insists upon taking liberties with truth, he is only doing harm to himself, but it would be out of place to inveigh against him or to upbraid him with his falsehood and deceit. The tact of the judge will be exercised here, in not being satisfied with evasive answers and shuffling replies, but in firmly insisting upon

1 Santi upholds this view: "Ratio conclusionis est, quia judex legitime interrogans, exercet jurisdictionem suam circa rei personam et jure suo utitur, quod habet inquirendi veritatem ut justitiam tueatur, ac proinde ex parte rei viget obligatio obediendi judici legitime interroganti." *Santi*, t. II. p. 125.

2 On this point the *Praelectiones S. Sulpitii* have (iii. p. 67): "Cum de curiâ ecclesiasticâ in praesenti tantum agamus et potissimum de causis clericorum, nihil praetermittendun est confessario ut reus suum delictum de quo juridice fuit interrogatus, fateatur (saltem quandò sententia condemnationis lata jam fuerit); alioquin de duobus alteruibum sequetur, vel erit apud clerum et fideles suspicio de injustitiâ sententiae, cum gravi detrimento auctoritatis Ecclesiasticae, vel erit suspicio impœnitentiae et pervicaciae cum publico scandalo. Religio et caritas suadent utrumque praecaveri."

facts; without, however, going the length of browbeating or abusing the accused if he is persistently bent on concealing or distorting them.

As a general rule the examinations should not occupy more than one sitting, otherwise time would be given the accused to plan new lines of defence, based on the imperfect knowledge which he sees the auditor has of the case. This would be a new and fertile source of trouble and difficulty. If more than one sitting is necessary, the evidence should be signed at the close of each examination, and when it is practicable, instead of allowing the accused to go free and to return to his ordinary avocations, it is desirable that he should be obliged to reside in some religious community or monastery, where his communications with the outside world would be restricted, and so his opportunities to deceive and act in bad faith would be singularly lessened.

After the final interrogatory the accused signs his entire evidence and the documents henceforth acceptable as legal proof.[1]

The *confessio rei* thus obtained is considered the strongest argument and most convincing proof. When there is question of a crime committed by several, the evidence of one of the accomplices is not a conclusive proof against the others. This is in keeping with the words of the Glossa "nulli de confesso super crimine aliorum creditur."[2] This is fitting, for the avowal of a crime places the culprit in the condition of an "infamis," and so, except for a few extraordinary cases,[3] specially determined in law, the evidence of the

1 "Quae quidem subscriptio operatur mirabilem effectum, ut ea omnia quae reus deposuit pro veris, et ab ipsomet doctis habeant, quia subscribens consentire videtur omnibus his quae in scripturâ quam subscribit continentur, et si in aliquo ipsorum quae dixit, deceptum fuisse vel non legisse aut notitiam non habuisse allegaverit, deberet ipse totum probare, quum aliás praesumatur quod legerit et notitiam habuerit." *Pellegrini, op. cit.*, p. 389, no. 52.

2 *Glossa* in Cap. 1, tit, xviii lib. II Decret. V, "Confessi"—cf. et Cap. 10 *de Testibus* tit. xx, lib. II.

3 Authors generally group these crimes under two headings: A)—Quoad societatem civilem: Crimen laesae majestatis, perduellionis, latrocinii et crrassationis per vias publicas. B)—Quoad societatem religiosam——Crimen haeresis et simoniae.

informer is justly branded with suspicion. The auditor may, however, use this knowledge to institute proceedings against the parties inplicated in a crime thus discovered; for such information gives rise to serious presumption, from which the alleged accomplices will have to free themselves.

The examining judge is now in possession of the results of his twofold investigation. The first part of the inquiry took place independently of the accused, perhaps even unknown to him; in the second, his assistance is necessary, and whether he wills it or not, he must be present. After comparing the evidence elicited during both stages of the inquiry, the auditor has, as a result, a few well authenticated points, henceforth fixed and irrefutable; again, some facts still vague, doubtful and uncertain; and, finally, according to the nature of the case, a more or less ponderous mass of circumstantial evidence, unjust suspicions, false presumptions, etc. The explanations of the facts given by the accused from his own standpoint, may have given rise to reflections which have to be seriously considered, or, perhaps, may have completely unravelled the carefully constructed web of evidence prepared by the prosecution in the primary stage of the inquiry.[1]

Again, the defendant may, from the very beginning, offer such legal obstruction or establish such precedents and exceptions as to delay indefinitely or render impossible all judicial proceedings against him.

The auditor's task is nearly over; he has now only to draw up the report of the inquiry and from it the Bishop (or the official acting in his name), will decide whether there is matter to go before the Ecclesiastical Courts. Let us now,

1 The compiler of the *Acta Sanctae Sedis* V. p. XV. gives several examples.—"Fac enim accusari clericum tali die atque horâ cum tali personâ peccasse. Fac tales inductiones ab ipso fieri, documentis confirmatis quae incontinenti probent eum illâ ipsâ die atque horâ in loco penitùs dissito moratum fuissis (cujus quidem probationis tantum est pondus, ut sub *coarctatae* nomine veniat penes criminalis juris doctores); vel tales ab eo indicari rerum personarumque circumstantias, quae ipsam facti existentiam in dubium revocent. . . Fac existere quidem factum, sed alium imputabilem designari testes indicari; vel quae culpae ei opponuntur, morbi alicujus probati effectus esse, aliaque ejusmodi. . ."

in concluding this article, resume in a summary statement the various conclusions and results to which the whole investigation may have led.

I.—If the the defendant explains away satisfactorily all the points at issue and proves the falsity of the proffered charges, the acts of the inquest carefully collected by the auditor are deposited in the secret archives of the diocese.

II.—If the charge has neither been sufficiently proved nor the innocence of the accused sufficiently manifested, the Bishop may have recourse to what is known as the "*purgatio canonica*:" and though Dr. Smith seems to think this procedure has become obsolete, still Dr. Pierantonelli maintains that it can, strictly speaking, be employed nowadays. As this method is not always prudent, or at least in many cases not practicable,[1] the only alternative remaining is between the *praeceptum* and a formal judicial trial. Again, the accused, while protesting his innocence, may refuse to abide by the *praeceptum*, so nothing remains but to institute regular legal proceedings; justice is for all, and the poorest and the most humble have a strict right to it when they appeal to its tribunal.

No matter whether the trial is to take place at the Bishop's instigation or because the accused asks for a public means of clearing and justifying himself, a tribunal has to be formed, and citations sent out. Now the officiality takes up the case and the auditor's task is over; but the report of his investigations remains. Upon it will be based everything both for the prosecution and the defence, from the opening statement to the judge's sentence; and if the case is tried again before a higher tribunal, or even if an appeal be lodged and the matter carried before the Roman Congregations, the auditor's report retains its value and importance, and continues to be one of the most useful documents, in the whole trial.

G. PÉRIES, D.D.
Catholic University of America, Washington, D. C.

1 As a general rule this method cannot be recommended. It is positively forbidden in matrimonial cases "de nullitate," and on account of the almost certain danger of perjury its use is scarcely feasible in any criminal case.

ANALECTA.

LITTERAE APOSTOLICAE—DE CONSTITUTIONE PATRIARCHATUS ALEXANDRINI PRO COPTIS.

SANCTISSIMI DOMINI NOSTRI

LEONIS

DIVINA PROVIDENTIA

PAPAE XIII

LITTERAE APOSTOLICAE

DE PATRIARCHATU ALEXANDRINO COPTORUM

LEO EPISCOPUS

SERVUS SERVORUM DEI

AD PERPETUAM REI MEMORIAM.

Christi Domini, Redemptoris humani generis, auctoris conservatorisque Ecclesiae, assidue Nos et caritatem divinam intueri et salutare provehere opus pro muneris Nostri sanctitate contendimus. Gratiamque ei debemus plurimam atque ex animo profitemur, quod Nobis in eas incumbentibus curas quae ad nomen catholicum sive inferendum reducendumve in populos sive stabiliendum in illis augendumque attinerent, suis ipse auspiciis praesentique ope tam benignus adfuerit. Cui etiam acceptum singulari modo referimus, quasdam biennio proximo oblatas esse temporum maturitates, quibus instituta catholici nominis incrementa licuerit Nobis studio impensiore atque opera persequi. Providentiae autem rationes quas in eam rem adhibere visum est, datis praesertim qua universe qua singillatim epistolis apostolicis, haud vacuae sane fructu, divina fovente gratia, cesserunt; atque adeo Nos eumdem insistentes cursum, laetiorem quotidie votorum eventum fidenti cogitatione prospicimus. Nunc inter ceteras nationem atque ecclesiam Coptorum complectimur peramanter, destinatumque habemus peculiaria quaedam in eius bonum et ornamentum ex apostolica potestate decernere.

Copticam gentem paucis ante mensibus allocuti sumus epistola

propria, et vetera ecclesiae Alexandrinae monumenta commemorando excitavimus ; idque duplici consilio, ut nimirum ex benevolentia atque hortatione Nostra quum catholici confirmarentur in coniunctione et fide erga Apostolicam Sedem, tum vero dissidentes ad eamdem coniunctionem invitarentur quaerendam et renovandam. Utraque ex parte fuit Nobis quod caperemus concepta spei solatium.

Catholici in primis, ut aequum erat, maximum Nobis obsequium ac pietatem in morem filiorum testati sunt, iidem praeterea grati quod episcopum e gente sua, Vicarii apostolici munere, secundum vota dedissemus Venerabilem Fratem Cyrillum, titulo Caesareae, Paneadis. Quin etiam suae voluntatis apertius declarandae causà, id propositum susceperunt ut publicam ad Nos mitterent legationem : quo nihil certe poterat neque ipsis honestius esse neque Nobis iucundius.—Septembri igitur mense coram fuit legatio Coptorum, ex variis nationis ordinibus, ipso Venerabli Fratre praeeunte, delecta. Ab ea perlibentes cognovimus praeclare affirmatum quo studio, qua reverentia, qua obtemperatione erga hanc beatissimi Petri Cathedram, nomine etiam suorum civium, affecti essent : permovitque intimos paternae caritatis sensus, qua ipsi fiducia suis item rebus ac dissidentium fratrum exposcerent a Nobis et expectarent ampliora praesidia. Atque illud praecipuum fore significaverunt, magnisque et humillimis precibus flagitarunt, si decreto auctoritatis Nostrae Hierarchia catholica et Patriarchalis dignitas apud Aegyptios instaurata resurgeret.—Aequam afferri et non inopportunam postulationem plus una persuasit causa. Constat enim rei catholicae progressus non exiguos quotidie per Aegyptum haberi ; clericos et sacerdotes nativos, quod plurimum interest, numero augeri ; scholas iuventutis similiaque rectae institutionis subsidia multiplicari ; vigere acrius in animis religionis amorem et cultum, atque fructus consentaneos largius provenire. In quo alacrem cleri operam valde quidem iuvant et sustinent nonnullae Religiosorum Familiae ; ac sua debetur laus Franciscanibus, qui iam diu per ea loca elaborant, suaque debetur Alumnis Societatis Iesu et Missionalibus Lugdunensibus, quos Nosmetipsi auxilio submittendos curavimus.—Iamvero si Hierarchia in eis vel partim renovetur certique praeficiantur pastores, ex maiore ipsa atque expeditiore vigilandi providendique facultate, multiplex profecto utilitas in clerum ac populum dimanabit. Patriarchalis porro dignitas optime valitura est, tum amplitudine sua ad decus ecclesiae Coptae catholicae in opinione relevandum, tum ingenita vi ad vincula

fidei et fraternitatis in omni natione obstringenda.—Nos autem re tota meditate perpensa eademque deliberata cum Consilio seu *Commissione* Cardinalium S. R. E., quam ad reconciliationem dissidentium cum Ecclesia fovendam iussimus Nobis adesse, ei ipsi Coptorum postulationi obsecundare censuimus.

Itaque ad maiorem divini Nominis gloriam, ad fidei sanctae et communionis catholicae incrementum, Nos ex certa scientia motuque proprio ac de plenitudine apostolicae potestatis, Patriarchatum Alexandrinum catholicum restituimus et pro Coptis constituimus; eique ac singulis qui ipsum obtenturi sint, honores omnes, privilegia, praerogativas, nomina, omnemque potestatem tribuimus, eâdem ratione qua generatim ea nunc a Patriarchis orientalibus rite exercetur: qua super re peculiaria praescripta ab Apostolica auctoritate tempore et loco impertientur. Sedi autem patriarchali sedes episcopales duas, in praesens, decernimus, suffraganeas; alteram in urbe Hermopoli maiore, vulgo *Minieh*, alteram Thebis seu Diospoli magna, ad urbem *Luksor*: ita ut Patriarchatus tribus interea dioecesibus constet, videlicet patriarchali Alexandrina, Hermopolitana, Thebana: integro tamen Nobis et succesoribus Nostris pleno ac privativo iure sedes alias vel archiepiscopales vel episcopales excitandi, easque pro necessitate vel utilitate Ecclesiae immutandi.

Alexandrinum Coptorum Patriarchatum ita constitutum, eatenus patere qua patet proregnum seu *Kedivatus* Aegypti proprie dictae ac provincia *praedicationis sancti Marci*, statuimus atque sancimus.—Limites autem singularum diocesium quas supra diximus, hoc modo definire placet. Patriarchalis Alexandrina Aegyptum inferiorem et urbem Cairum complectitur. Ad aquilonem habet mare Internum seu Mediterraneum; ad orientem, canalem Suesii; ad austrum, latitudinis borealis gradum trigesimum; ad occasum, Tripolitanam Orthomanici imperii provinciam.—Dioecesis Hermopolitana in Aegyptum media profertur. Ad septentrionem finitima est dioecesi patriarchali; ad orientem, attingit sinum Hermopoliticum; ad meridiem, continetur circulo fere medio inter gradus vigesimum septimum et vigesimum octavum latitudinis borealis, ubi scilicet locus iacet *Sacci-t-moussé* ad Nilum flumen, qui pariter locus in ditione esto eiusdem dioecesis; ad occidentem habet desertum Libycum.—Dioecesis Thebana, in Aegyptum superiorem porrecta, circumscribitur ad aquilonem Hermopolitana; ad orientem, sinu Arabico; ad austrum, vigesimo secundo gradu latitudinis borealis; ad occasum, deserto Libyco.

Designationis primae tum Patriarchae tum suffrageneorum Episcoporum Apostolicae huic Sedi ius reservamus. Interim quoadusque ea designatio fiat, mandamus et catholicorum Coptici ritus, quotquot tota Aegyptus versantur, penes eumdem Venerabilem Fratrem Cyrillum, nomine et auctoritate apostolica, administratio permaneat.

Ita posse Nos de Patriarchatu Alexandrino pro Coptis restituendo providere, vehementer laetamur in Domino; eoque magis quia eius recordatio ecclesiae tam grata accidit quam quae gratissima. Nam propterea quod eam Marcus, beatissimi Petri discipulus et interpres, auspicato constituit sancteque gubernavit, arctior quaedam et precarior necessitudo exorta est, quam alias commemoravimus, ipsa inter et Romanam ecclesiam; cuius potissimum coniunctionis beneficio extitit illa pernobilis, floruitque diu et splendore virtutum et doctrinae excellentia. Quare Nobis est optatissimum ut dissentientes Copti Hierarchiam catholicam ex veritate coram Deo considerent; eam nimirum, quae ob communionem cum Cathedra Principis Apostolorum et successoribus eius, sola potest ecclesiam a Marco conditam legitime referre, solaque heres est memoriae omnis quaecumque Patriarchatui Alexandrino a priscis illis maioribus est fideliter tradita. Ex eo fiat, id quod rectus ipsorum animus et divinae gratiae benignitas sperare admodum iubent, ut dimissis tandem compositisque dissidiis quae consequutae intulere aetates, ad unitatem redire velint Romanae ecclesiae, quae permagno eos desiderio caritatis expectat.

Has litteras Nostras et quaecumque in ipsis habentur nullo unquam tempore de subreptionis aut obreptionis vitio sive intentionis Nostrae aliove quovis defectu notari vel impugnari posse, et semper validas ac firmas fore, suosque effectus in omnibus obtinere atque ab omnibus cuiusvis praeeminentiae inviolabiliter observari debere decernimus. Non obstantibus Apostolicis atque in synodalibus, provincialibus, universalibus Conciliis editis generalibus vel specialibus sanctionibus, caeterisque contrariis quibuscumque, peculiari etiam mentione dignis: quibus omnibus, quatenus opus sit, amplissime derogamus: irritumque et inane decernimus si secus super his a quoquam quavis auctoritate scienter vel ignoranter contigerit attentari.

Volumus autem ut harum litterarum exemplis etiam impressis, manu tamen Notarii subscriptis et per constitutum in ecclesiastica dignitate virum sigillo munitis, eadem habeatur fides quae Nostrae voluntatis significationi his praesentibus ostensis haberetur.

Datum Romae apud Sanctum Petrum anno Incarnationis Dominicae millesimo octingentesimo nonagesimo quinto, sexto Calendas Decembres, Pontificatus Nostri anno decimo octavo.

A., *Card.* BIANCHI, *Pro-Datarius.*
C., *Card.* DE RUGGIERO.

VISA

DE CURIA. I. DE AQUILA E VICECOMITIBUS
Loco ✠ *Plumbi*
Reg. in Secret. Brevium

I. CUGNONI.

F. S. CONGREGATIONE INDULGENTIARUM.

I.

CONCESSIO INDULGENTIARUM PIIS OBJECTIS QUAE TERRAE SANCTAE LOCA TETIGERUNT.

Beatissime Pater,

Fr. Raphaël ab Aureliaco, Procurator Generalis Ordinis Minorum, ad pedes Sanctitatis Tuae provolutus, sequentia exponit :

Summus Pontifex Innocentius XI. s. m. Constit. Unigeniti de die 28 Januarii 1688 plures indulgentias adnectere dignatus est crucibus, coronis aut rosariis, quae loca Terrae Sanctae, sacrasque reliquias ibi existentes, tetigerint. In hac tamen benigna concessione non inveniuntur comprehensa aliqua pia objecta, ut numismata, statuae etc., quorum usus apud Christifideles, qui Palaestinam incolunt, vel peregrinationis gratia ad eam se conferunt, frequentissimus est, ea praecipue de causa, quod ex tactu Locorum Sanctorum, ditata putent praefata objecta thesauro indulgentiarum. Id praesertim accidit de simulacris seu statuis Pueri Jesu, quae in Bethlehem continuo afferuntur vel mittuntur, ut locum Nativitatis divini Salvatoris tangant.

Ut igitur fidelium devotioni fiat satis, neve in falsa persuasione quoad lucrum indulgentiarum amplius sint, humilis Orator Sanctitatem Tuam exorat, ut eaedem indulgentiae, quae coronis, crucibus, crucifixis jam concessae sunt, concedantur etiam numismatibus, statuis aliisque piis objectis, quae dicta Loca Sancta tetigerint.

Quam gratiam, etc.

S. Congr. Indulgentiis Sacrisque Reliquiis praeposita, utendo facultatibus a SSmo Domino Nostro Leone PP. XIII sibi specialiter

tributis, benigne annuit pro gratia juxta preces, ita ut non cruces tantum, aut coronae, rosaria prouti huc usque, verum etiam numismata, parvae statuae aliaque pia devotionis objecta, quae Terrae Sanctae loca aut reliquias ibidem existentes tetigerint, in posterum ditata maneant Indulgentiis juxta tenorem et formam Constitutionis S. M. Innocentii XI., quae incipit Unigeniti data sub die 30 Januarii 1688. Praesenti in perpetuum valituro absque ulla Brevis expeditione, contrariis quibuscumque non obstantibus.

Datum Romæ ex Secretaria ejusdem S. Congregationis, die 18 Augusti 1895.

L. *Card.* BONAPARTE.

✠ A. ARCHIEP. NICOPOLIT., *Secret.*

II.

ABSOLUTIO GENERALIS IN VIGILIA FESTI.

Beatissime Pater,

Fr. Raphaël ad Aureliaco, Proc. Glis Ordinis Minorum, ad pedes Sanctitatis Vestrae humiliter provolutus, sequentia exponit; Ex benigna concessione Apostolicae Sedis Fratres et Moniales Ordinis Minorum gaudent privilegio recipiendi quibusdam anni diebus Absolutionem Generalem cui adnexa est Indulgentia plenaria. Verum tempus ad eam impertiendam et recipiendam videtur limitatum ad spatium unius diei. Cum autem ob varia ministeria et officia quibus Fratres incumbunt, difficulter possint omnes Religiosi in decursu diei insimul congregari ad recipiendam dictam Absolutionem Generalem, quae a Superiore impertitur, facilius autem id obtineri si in sero diei praecedentis tribuatur, Orator enixe rogat S. V. ut concedere dignetur, quatenus praedicta Absolutio Generalis impertiri et recipi possit in pervigilio, seu die eas festivitates praecedente, quibus illa est concessa.

Quam gratiam etc.

S. Congregatio Indulgentiis Sacrisque Reliquiis preposita, utendo facultatibus a SSmo Dno Nostro Leone PP. XIII sibi specialiter tributis benigne annuit pro gratia juxta preces. Praesenti in perpetuum valituro absque ulla Brevis expeditione. Contrariis quibuscumque non obstantibus.

Datum Romæ ex Secretaria ejusdem S. Congregationis, die 28 Augusti 1895.

L. *Card.* BONAPARTE.

✠ A. ARCHIEP. NICOPOLIT., *Secret.*

III.

INDULGENTIA PRO RECITATIONE

Rithmi Eucharistici "Adoro te," etc.

According to a former Rescript of the S. Congr. Indulg. an Indulgence of 100 days was granted to priests who, after the celebration of Mass, recited the Eucharistic hymn, "Adoro te devote" (by St. Thomas Aquinas), found in the Roman Missal (In gratiarum actione post missam).

By a recent decree of the same Congregation this Indulgence is extended to all the faithful who recite the hymn after receiving Holy Communion.

The petition for the Indulgence was presented by the Dominican Prior of S. Maria Novella, of Florence, and was granted on the 15th of June, 1895, by the following Rescript. [See Acta S. Sedis Fasc. III., Oct., 1895]:

Ex Audientia Sanctissimi.

SS. D. N. Leo Papa XIII. referente me infrascripto Secretario S. Indicis Congregationis, benigne annuit pro gratia in terminis concessionis pro Sacerdotibus.

F. MARCOLINUS CICOGNANI,
Proc. gen. Ord. Praed.
S. Indicis Congr. a Secretis.

Praesens Rescriptum exhibitum fuit huic S. Congregationi Indulgentiis Sacrisque Reliquiis praepositae: die 17 Jun., 1895.

L. ✠ *S.* ALEXANDER ARCHIEP. NICOP., *Secretarius.*

IV.

INDULTUM QUO CONCEDITUR DISPENSATIO A NOVA BENEDICTIONE PRO SCAPULARIBUS SSMAE TRINITATIS.

Beatissime Pater.

Fr. Stephanus a S. Corde Mariae, Ordinis SSmae Trinitatis Congregationis Hispanicae Commissarius Apostolicus, ad pedes S. V. humiliter provolutus exponit adscriptos sodalitati SSmae Trinitatis parvum habitum seu Scapulare ex lana alba confectum cruce rubra

et caerula decoratum ab aliquo Ordinis Superiore benedictum sumere et super se gestare ; verum quum scapulare huiusmodi attritum vel consumptum, fuerit et aliud assumatur de novo benedici debet, prouti expresse edicitur in Summario Indulgentiarum concessarum sodalibus SSmae Trinitatis sub poena amissionis indulgentiarum.

Id tamen causa est, ut plures Christifideles praedictae sodalitati adscripti saepe saepius priventur Indulgentiis eidem concessis. Nam non semper praesto sunt cuique fideli indigenti novo Scapulari superiores Ordinis SSmae Trinitatis aut alii Sacerdotes etiam saeculares de eorumdem Superiorum licentia, qui illud benedicere queant. Quare, ut bono spirituali adscriptorum provideatur Orator supplex adit S. V. quatenus huic legi iterum benedicendi novum Scapulare post primum a Sodalibus assumptum, benigne derogare dignetur, ita ut in posterum quicumque eorum primum Scapulare susceperit benedictum, si hoc ita attritum vel consumptum fuerit, ut primam formam amiserit, aliud ipsis assumere detur etiam non benedictum absque amissione Indulgentiarum ; et ita etiam uniformitas habebitur quoad hoc Scapulare, cum omnia aliarum diversarum Confraternitatum Scapularia non benedicantur nisi prima vice tantum, idest quando primitus imponuntur, facta cuilibet adscriptorum potestate aliud postea assumendi absque nova benedictione.

Et Deus etc.

S. C. Indulgentiis sacrisque Reliquiis praeposita, utendo facultatibus, a SS. D. N. PP. Leone XIII. sibi specialiter tributis, attentis expositis, et praesertim, ut etiam quoad Scapulare Sanctissimae Trinitatis inducatur uniformitas pro aliis, et in primis pro Carmelitico, existens, quae nonnisi prima vice benedicuntur, idest quando primitus Christifidelibus imponuntur, benigne annuit pro gratia iuxta preces. Contrariis quibuscumque non obstantibus.

Datum Romae ex Secretaria eiusdem S. Congregationis die 24 Augusti 1895.

Fr. IGNATIUS *Card.* PERSICO *Praef.*

ALEX. Archiep. Nicopol. *Secretarius.*

E. S. CONGREGATIONE RITUUM.

I.

DECRETUM.

URBIS ET ORBIS.

Quilibet Sacerdos tum Saecularis quum Regularis semper Missam celebrare debet iuxta Calendarium Ecclesiae cuiuscumque, in quam celebraturus advenit.

Quod Benedictus XIV. diserte docet (*Op. de Beat et Can. Lib. IV. part. II. C. II. n. 5*), Missas nempe in honorem Beatorum, vel etiam Sanctorum nonnullis Ordinibus Regularibus ex indulto concessas, ab aliis Presbyteris sive Saecularibus, sive Regularibus, celebrari non posse ; Sacrorum Rituum Congregatio iampridem declaraverat, ac postea quampluribus particularibus seu generalibus Decretis retinuit confirmavitque.

Cum nihilominus, eodem Benedicto XIV. fatente, incongruum videretur, ut exteri Sacerdotes ad Regularium Ecclesias, die pro festo statuta, confluentes, aliam celebrarent Missam ab illa, iisdem Regularibus concessa ; hinc factum est, ut Summi Pontifices, in ipso Beatificationis Brevi, Indultum pro Regularibus datum, ad omnes et singulos Sacerdotes in praefatis Ecclesiis celebrantes extenderet.

Id autem progressu temporis consultius ac prope necessarium indicatum est, cum novae pluresque Missae, iisdem Regularibus, seu etiam permultis particularibus Ecclesiis, quum Sanctorum, tum Beatorum indultae sint ; ne videlicet, latae super celebratione Missarum leges, aut confusionem aut facilem transgressionem paterentur ; nisi et forte earumden observantia fere impossibilis fieret.

Quae quidem omnia cum pluries, ac praesertim, in una *Romana, Lubiorum*, in conventu habito die 23 Augusti 1890, perpensa fuissent ; Sacra Rituum Congregatio, dilata resolutione, decrevit, ut ad omnem difficultatem penitus amputandam, certae normae hac in re universis Sacerdotibus in singulis casibus constituerentur. Idcirco in Ordinariis Comitiis ad Vaticanum subsignata die, habitis, hanc generalem regulam ab omnibus servandan constituit :

Omnes et singuli Sacerdotes, tam Saeculares quam Regulares, ad Ecclesiam confluentes, vel ad Oratorium publicum, Missas quum Sanctorum tum Beatorum, etsi Regularium proprias, omnino celebrent Officio eiusdem Ecclesiae vel Oratorii conformes, sive illae in

Romano, sive in Regularium Missali contineantur ; exclusis tamen peculiaribus ritibus Ordinum propriis.

Si vero in dicta Ecclesia, vel Oratorio, Officium ritus duplici inferioris agatur, unicuique ex Celebrantibus liberum sit Missam de requie peragere, vel votivam, vel etiam de occurrenti feria ; iis tamen exceptis diebus, in quibus praefatas Missas Rubricae Missalis Romani, vel S. R. C. Decreta prohibent. Die 9 Julii 1895.

Super quibus omnibus facta postmodum Sanctissimo Domino nostro LEONI PAPAE XIII. per me subscriptum Secretarium relatione, Sanctitas Sua sententiam eiusdem Sacrae Congregationis ratam habuit et confirmavit ; Rescripta seu Decreta, tum particularia tum etiam generalia, in contrarium facientia, suprema auctoritate sua penitus abrogando. Die 9 mensis Decembris eodem anno.

CAIETANUS *Card.* ALOISI-MASELLA *S. R. C. Praef.*

L. ✠ S.

ALOISIUS TRIPEPI, *S. R. C. Secretarius.*

II.

DE CONCURRENTIA OFFICII VOTIVI CUM FESTO PRIMARIO EJUSDEM RITUS.

R. D. Alph. Mart. Larue, Episcopus Lingonensis humiliter petiit, ut S. R. C. sequentia dubia enodare dignaretur, nimirum :

Utrum officia votiva concurrentia cum aliquo festo primario eiusdem ritus : et, vice versa, an festum primarium concurrens cum officiis votivis, dimidient Vesperas? . . .

Et S. C., exquisito voto alterius ex Apostol. Caeremoniarum Magistris, reque mature perpensa, respondendum censuit : *Totum de festo primario cum commemoratione officii votivi.*

Ita rescripsit die 23 Aug. 1895.

CAI. *Card.* ALOISI-MASELLA, S. C. R. *Praef.*

L. ✠ S. A. TRIPEPI, *Secretarius.*

E. S. R. U. INQUISITIONE.

DECRETUM DE ABORTU MEDICALI.

Beatissime Pater :

Stephanus Maria Alphonsus Sonnis, Archiepiscopus Cameracensis ad pedes Sanctitatis Tuae devotissime provolutus, quae sequuntur humiliter exponit.

Titius medicus cum ad praegnantem graviter decumbentem vocabatur, passim animadvertebat lethalis morbi causam aliam non subesse praeter ipsam praegnationem, hoc est, foetus in utero praesentiam. Una igitur, ut matrem a certa atque imminenti morte salvaret, praesto ipsi erat via, procurandi scilicet abortum seu foetus ejectionem. Viam hanc consueto ipse inibat, adhibitis tamen mediis et operationibus, per se atque immediate non quidem ad id tendentibus ut in materno sinu foetum occiderent, sed solummodo ut vivus, si fieri posset, ad lucem ederetur ; quamvis proxime moriturus, utpote qui immaturus omnino adhuc esset.

Jamvero lectis quae die 19 augusti 1889 Sancta Sedes ad Cameracensem Archiepiscopum rescripsit : "tuto doceri non posse licitam esse quamcumque operationem directe occisivam foetus, etiamsi hoc necessarium foret ad matrem salvandam," dubius haeret Titius circa liceitatem operationum chirurgicarum quibus non raro ipse abortum hucusque procurabat, ut praegnantes graviter aegrotantes salvaret.

Quare, ut conscientiae suae consulat, supplex Titius petit utrum enuntiatas operationes in repetitis dictis circumstantiis instaurare tuto possit.

Feria IV die 24 Julii 1895.

In Congr. gener. S. R. et Univ. Inquisitionis, proposita suprascripta instantia, Em. ac Rever. Domini Cardinales in rebus fidei et morum Inquisitores generales, praehabito Rev. D. Consultorum voto, respondendum decreverunt : Negative, iuxta alia Decreta, diei scilicet 28 Maii 1884 et 19 Augusti 1888.

Sequenti vero feria V die 25 Julii, in audientia R. G. P. Adsessori impertita, SSmus D. N. relatam Sibi Em. Patrum resolutionem adprobavit.

L. ✠ S.

J. Mancini Can. Magnoni,
S. R. et Univ. Inquisitionis Not.

CONFERENCES.

DUPLICATING IN ORDER TO GIVE THE VIATICUM.

Qu. As regards an answer given in the January number, p. 85, "*Can Father Francis duplicate?*" I object to it. Please read the following, taken *verbatim* from the *Moral Theology* of H. Noldin, S. J., of Innsbruck University.

He enumerates the *causae excusantes a jejunio naturali:*

I. Necessitas integrandi sacrificium.

II. Necessitas vitandi irreverentiam.

III. Necessitas vitandi scandalum publicum.

IV. Necessitas sumendi viaticum.

V. *Necessitas ministrandi viaticum*, and then he continues:

"Sunt, qui quintum hunc casum prioribus addant: si nimirum non adsit hostia consecrata pro viatico, potest sacerdos non jejunus celebrare, etsi illo die jam celebraverit. Et hoc quidem certum est, si agatur de viatico sibimetipsi ministrando: si enim dispensatus est a jejunio, ut possit communicare, dispensatus est etiam, ut possit celebrare. Si autem agatur de viatico alteri ministrando, id pariter certum est, ubi aegrotus aliud sacramentum (poenitentiam, extremam unctionem) suscipere (certo) nequit: salus enim moribundi legi ecclesiasticae praeferenda est. Quod si aegrotus aliud sacramentum suscipere possit, multi auctores aut absolute (Major, Diana) aut saltem probabiliter (Lugo, Suarez, Tamburini, Filliucci, Dicastillo, Laymann, Lacroix) id concedunt. Nec immerito. Obligatio enim suscipiendi viaticum non est quidem absoluta, sed conditionata, si nimirum sine magna indecentia fieri possit; atque indecentia, quae in celebrando sine jejunio reperitur, non videtur esse tanta, ut praeceptum viatici propterea sit negligendum, praesertim cum lex jejunii ante communionem alias etiam exceptiones patiatur."—H. Noldin, S. J., Quaest. Mor. de Sacr., p. 76.

OENIPONTE.

Resp. We have no mind to contradict P. Noldin, who represents a weighty school of theologians. There are, indeed, circumstances when a priest might venture—relying

on the opinion of respectable authors—to duplicate (non jejunus) in order to administer the holy Eucharist. Whether, and how far, the case of F. Francis would be supported by such authors may be gathered from the following, which will also throw some light on the sources referred to by P. Noldin.

Palmieri in his grand edition of Ballerini's *Opus Morale*, which is practically a commentary on Busenbaum, or, we might say, on St. Alphonsus, who followed the older Jesuit very closely, cites first the words of the text as follows: "Licet probabile videatur Fill. t. 1. tr. 4. n. 142, et Card. de Lugo id quod docet Mai. in 4 d. 9. c. 3. Fern. de *Haered.*, etc. (*Layman vero* L. v. t. 4. c. 6. n. 21 *limitat ad casum necessitatis quo moriturus aliud Sacramentum suscipere non posset* et scandalum cessaret), posse non jejunum celebrare ad dandum alteri viaticum; eo quod hoc sit juris divini, jejunium vero Ecclesiastici tantum: ideoque non tantum posse, sed etiam teneri, dicant Gran. in 3 p. c. 6. t 19. d. 8. n. 12.: id tamen merito communiter rejicitur; tum quia contrarium probat praxis, tum quia major est habenda ratio Sacramenti quam aliqualis necessitatis proximi, tum quia praeceptum viatici non obligat, quando non potest rite dari. Ita Bon. ex Con. Hurt. *de Euch.* d. 9. diff. 17. *Suarez*, *Vasquez*, etc., comm. docetque Card. *de Lugo* esse probabilius." (Op. Theol. Mor. Vol. IV, edit. 1891, pag. 672.)

St. Alphonsus thinks that the expression *communiter rejicitur* is too strong, and mentions some authors who hold the contrary opinion, or allow it, "vel probabilem vocant, licet non praeeligant." But while he admits the opinion as having some weight, he, himself, embraces the more probable one, which does not sanction the saying of a second mass under the circumstances, unless (as Laymann, Viva and Escobar, to whom he refers, affirm) the dying person could not receive the Sacraments of Absolution or Extreme Unction, "nam eo casu eucharistia poterit esse sacramentum necessitatis, ut ille ex attrito fiat contritus." (Loc. cit., pag. 674.)

Taking the practical point of view, we believe that a priest

in the given case should not duplicate, and if we expressed that opinion with an emphasis which seemed to exclude the distinctions of theologians, we did so rather from a wish to be safe and definite in a practical case, than from any supposition that there was no contrary opinion.

THE SELF-CULTURE CLUB.

Qu. Will you please answer in your "Conferences" to the following:

What is the history, object and aim of the "Self-Culture Club?" Is there any danger to the faith of Catholics who attend these clubs, visit their reading rooms, listen to the lectures, etc?

Here in the city (St. Louis) there are three or four such club rooms. There are free libraries (containing such books as Zola's Lourdes, and others of a similar kind) attached to them, and occasionally Protestant ministers are invited to give lectures, not necessarily on distinctly religious subjects.

Resp. We do not know the history and professed aim of the "Self-Culture Club". The probability is that under a typical name it represents but one variety of countless other clubs for young people who wish to improve their minds and manners by reading and social intercourse. As true culture consists in the training of the heart, principally, and as this is best effected by religion, which suggests the highest motives of action, the "ministers" find very naturally a place in such organizations.

Nevertheless we should advise Catholics, and especially the young, to keep aloof from such clubs, and to look upon the advantages of "culture" offered as a positive danger to their faith, and hence to their morals. It is impossible to enter here upon a detailed exposition of the reasons, but every intelligent leader of Catholic youth must realize, first, that errors of the intellect and of fact are necessarily a source of corruption of the true man. Now the food that is offered to the mind in these clubs, more or less under the influence

of self-apppointed teachers, is indiscriminately true and false—and therefore dangerous.

On the other hand, we have in the Catholic doctrine the best possible medium of true culture both for the mind and the heart. But, of course, our young must be fed upon it, and be invited to enjoy its advantages. Hence we should say, dissuade Catholics from joining or supporting these doubtful methods and places, *but supply them at the same time with something better.* There are abundant resources in the Catholic field. We can make our young people gentlemen and ladies of the truest type—but we must practice what we preach, and preach (open and discreetly) what we have ourselves set our minds and hearts to acquire from those rich treasure houses of Catholic thought and teaching, the Sacred Scriptures, the Christian Fathers, the Catholic literature of our own language, which can always be adapted to become a living source of action, if interpreted by a true priest who lives for his people.

PRIVATE EXPOSITION OF THE BLESSED SACRAMENT.

In a former number of the REVIEW (Vol. II, 321) we explained the usual method of the so-called *Private Exposition of the Blessed Sacrament*, in which a priest may dispense with the ordinary solemn ceremonial prescribed for the liturgical "Benediction." The privilege of thus satisfying private devotion has, it appears, led to a misinterpretation of the same. The last number of the *Analecta Ecclesiastica* (Revue Romaine) brings a declaration from the *substitutus* of the S. Congregation of Rites saying that there is no authority for the assertion (made in some French ecclesiastical journal) that a priest may open the Tabernacle for the purpose of his own personal devotion. Private exposition (*i. e.* of the pyxis containing the Blessed Sacrament) as understood by the S. Congregation, is intended for the benefit of the people at large, and not for the individual priest. We quote the passage in point from the *Analecta:*

"In quadam Ephemeride gallica legitur, Sacerdotem posse pro sua privata devotione sacrum Tabernaculum aperire, pro Sacramenti adoratione, preces ad libitum fundere, ac deinde illud claudere. Idque dicitur legitime inferri a quibusdam S. R. Congnis Decretis. Nomine et auctoritate Sacri Tribunalis Rituum, omnes lectores nostros certiores facimus, quod Ephemeris gallica vulgavit, esse *simpliciter* falsum, et illationem esse prorsus *illegitimam*. Expositio privata differt a solemni quod illa fit cum Pyxide, ista cum Ostensorio; sed utraque instituta est ad bonum publicum, nullo pacto privatae personae."

WOMEN AS SACRISTANS.

Qu. Does the permission of touching the sacred vessels, which is usually given by the Ordinary to religious women and others who act as sacristans, authorize the latter to prepare the chalice for Mass? Have they the right to handle the purificator after it has been once used in the Holy Sacrifice? I never let anyone except a priest or deacon do this, but I may be too severe. What is the sanctioned or authorized practice of liturgical observance?

Resp. The privilege, usually given to sacristans, of touching the sacred vessels, includes the preparation of the chalice. In the *Decreta authentica* under the rubric "Vasa sacra, a quibus tangenda," we find the following: "Hinc moniales sacristanae possunt licite tangere calices, corporalia et hujusmodi. In ipsis enim adest rationabilis causa supradicta tangendi, cum ratione sui officii debeant calices, patenas, corporalia et similia praeparare, ministrare, mutare et hujusmodi, quae sine tactu praestare non possunt."

It is plain that this liberty is restricted to sacred vessels (and linens) not containing the consecrated Host, and that a necessity or "rationabilis causa" calls for its exercise, although not in each individual case, and that with due reverence. Hence we find in most cases that religious who realize these limitations of reverence, only handle the sacred vessel with gloves especially used for the purpose.

As to preparing the chalice for the celebration of the Mass, the rubrics of the missal prescribe that the priest perform this duty himself: "Deinde praeparat calicem;

super ejus os ponit purificatorium mundum," etc. (De Praepar. sacerd. celebraturi. Rit. Missal. n. 1.) This rubric, although it indicates what is the proper method, is, however, not preceptive, and hence does not bind in such a way as to exclude the preparation of the chalice by the sacristan, who having permission to touch the sacred vessels and linens may do so also for the purpose of dressing the chalice.

The purificatorium is included in this permission just as is the corporal which has touched the Sacred Host. Vessels and linens ostensibly containing the Sacred Species can only be handled by priests and deacons.

THE FACULTY FOR BLESSING THE CROSIER BEADS.

Qu. 1, Can the faculty for blessing the so-called Crosier Beads (500 ds. toties quoties) be obtained from the Propaganda?

2. If not, can secular priests obtain the same from the Superior General of the Crosier monks?

3. Where would a priest have to apply for such a faculty?

Resp. The faculty of blessing the so-called Crosier Beads is exclusively restricted to the members of the Order of Crosier Fathers. This is explicitly stated in a decree of the S. Congregation of Indulgences, 15 March, 1884, in which the question "*Utrum expediat aliis etiam sacerdotibus concedi privilegium benedicendi Rosaria cum applicatione indulgentiae quo gaudent Sodales Crucigeri*," was answered *Negative.* (Cf. Acta S. Sedis xvi, 404.)

Hence neither secular nor religious of any order besides the Crosier Fathers can endow the said Beads with the exceptional indulgences attached to their blessing.

The Beads may be obtained by addressing any one of the houses of the Crosier Order in Holland or Belgium (writing in Latin or French). We give the directions:

A très Rev. Maitre General des Pères Croisiers,
Uden, Hollande, Europe.

or also:

Au Rev. Prieur des Pères Croisiers,
Convent de S. Agathe près Cuyk,
Hollande, Europe.

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IS THE LENTEN SERMON TO PRECEDE OR TO FOLLOW THE EXERCISE OF THE "VIA CRUCIS?"

Qu. Kindly pardon me for asking your opinion on the following point: In many churches it is customary during Lent to have Stations of the Cross and a sermon on Friday evenings,—some churches have only the Stations. I have never met with any decree or decision of the Sacred Congregation of Rites with regard to which,—the sermon or the Stations, should come first; but so far as I have had opportunties of observing, the Stations are commonly first recited. Now, while a custom of this kind is deserving of respect, I have always felt that the sermon should come first. The only argument I have heard for putting the Stations first is, that they prepare the people for hearing the sermon with greater spiritual profit. This is true; and we can never attach too much importance to hearing the word of God, especially in such sermons as are commonly preached during the holy season of Lent: and besides, there are indulgences granted to those who are present at religious instruction. But, on the other hand, it appears to me that the sermon should come first for this principal reason, that, however meritorious it certainly is to hear the word of God with the proper dispositions, it is more meritorious to assist at the Stations. The chief purpose of Lenten devotions is to bring sinners to repentance; and the *Raccolta* says: "Among the devotional exercises which have for their object meditation on the Passion, Cross and Death of our Lord and Saviour Jesus Christ, the sovereign means for the conversion of sinners, for the renovation of the the tepid and for the sanctification of the just, one of the chief has ever been the exercise of the Way of the Cross." And the Way of the Cross is more richly endowed with indulgences than any other devotional exercise of the Church. Hence it would seem that the sermon should be the preparation for the Stations, not the Stations for the sermon. Besides, if a person is absent from, or omits a certain part of a devotional exercise to which indulgences are attached, he forfeits the indulgences; and it goes for the saying that many persons come late to the Lenten devotions, and, if the Stations were first, would be in danger of losing the indulgences. It is true that people should be on time, but we must take the world as it is, and not as it should be; and forfeiting the indulgences of the Stations would be a greater spiritual loss than missing those of the sermon. Would you kindly give any decision, if there is any, and, if not, express

your opinion; it will doubtless benefit more of your readers than myself. INQUIRER.

Resp. There are certainly excellent reasons for having the Stations of the Cross *after* the sermon, as suggested by our reverend correspondent. But the order is not determined by precept or rule of liturgical observance. The original conception of the stations, which consisted of a series of short exhortations on the fourteen scenes of the Passion of our Lord, seems wholly to preclude the question of a distinct sermon before or after the exercise. Hence many churches have the Stations *only* on certain days of the week in Lent, and the sermon with Benediction of the Blessed Sacrament on others.

Where both exercises are performed successively, we should, for the reasons given by "Inquirer," take the order suggested by him. Nevertheless, it must be remembered that the important gain of the indulgences of the Via Crucis, may by force of circumstances, become of less value to a congregation than the advantages derived from a sermon at an opportune time. In many cases the Lenten sermons are preached by invited guests who, coming from a distance, are apt to be late, or, if not late, long. Thus the devotion of the Stations would be delayed to a time when the energy of the people is more or less spent, and they wish to get home. Again there are, especially in parishes where the pastor has not full control of his flock, people who will be disposed to come to the sermon, but who like to escape the making of the Stations. They won't mind coming late, but they would not want to be seen going out earlier. Hence they will drop in after the Stations are over, which they might not do if they know the Stations are before them; and though their lukewarmness cannot be commended as a virtue, they are apt to reap some benefit from hearing the sermon, and thus be gradually led to attendance in future at the exercise of the Stations.

We mention these motives merely because they seem to have some practical force, and we must certainly assume that the actually prevailing custom of having the sermon after

the recital of the Stations, whilst in itself not the best method, is the result of the actual experience that it is for the greater advantage of all concerned in the matter.

MAY A CATHOLIC TAKE PART IN THE PROTESTANT SERVICE?

(CASUS MORALIS.)

Cecilia, a Catholic young lady, whose family was once in comfortable circumstances and who has been nicely educated, by the reverses her father met in business and his subsequent death is reduced to poverty, with a mother in feeble health and herself to provide for. For a time some relatives and friends assist her, but her dependence upon their charity only makes her feel all the more keenly the necessity of going to work to earn a livelihood for herself and her sick mother. Accordingly she tries various places of employment, such as stores, milliners' and dressmakers' shops, but can get no work, or at best can get the offer of only such small wages as are utterly inadequate to meet her needs. However, among Cecilia's gifts is a beautiful voice and a cultivated talent for music. Now, as if by a providential disposition, some of her Protestant acquaintances, pitying her distress, procure for her the offer of a large salary to become a singer in a leading Protestant church, which offer she accepts, without having the least suspicion that there was anything wrong in so doing. She is, however, a devout and practical Catholic, and has constantly frequented the sacraments in the church of a distinguished religious Order in her native city. Here she had the advantage of the direction of one of the Fathers of the Order, whom she had every reason to regard as a pious and learned priest. To him she had already disclosed the reverses in her family's fortune, the sorrows she experienced and the straits to which she was reduced. She found in him a sincere sympathizer and comforter, and, accordingly, as soon as she received the offer of so large a salary, she sought her confessor and joyfully informed him of the bright prospect which promised such needed relief.

Whether it was that he dreaded to disturb her good faith and utterly discourage her or did not realize himself that the occupation of a Catholic singer at Protestant church services was of questionable morality, he said not a word to hinder her from accepting the

offer and making the engagement. He contented himself with approving the resolution she had already formed, to be a more fervent Catholic than ever, to pray better, come to the Sacraments no less frequently and never fail to hear an early Mass on Sundays before the hour appointed for the Protestant service at which she was to sing.

This first engagement she served out and at its expiration received a still more flattering offer, at the same species of employment, but in another city and different diocese. The second offer she accepts all the more readily because it would be accompanied by a change of climate desirable both for herself and her feeble mother. She resolves that in the new field she will relax none of her religious practices, and no sooner reaches the place than she makes the acquaintance of the rector of the nearest Catholic Church, and inquires about the hour of Masses, services and confessions. She of course tells the employment she is to engage in, how she has been so long in the like employment already, and how it did not in any way interfere with all her duties of a Catholic.

But lo ! what is her astonishment and distress when the first time she goes to confession she is told that her occupation is unlawful and scandalous and that the pastor could not admit her to the Sacraments so long as she was engaged in it ! Hence the following questions :

I. Is it lawful for Catholics to sing psalms, hymns, and other musical compositions at Protestant worship or services ?

II. Under what form of law, the divine or ecclesiastical, does the prohibition exist ?

III. Is there any ground or probability for the practice of confessors, if there are any such, in permitting or not forbidding, their penitents to take such part in the worship conducted in Protestant churches ?

IV. Will even such distressing circumstances as Cecelia was in, safeguarded as she was by such precautions, justify an opinion favoring her occupation ?

V. Could she not have been left in her good faith and admitted to Sacraments at least so long as she manifested no doubt in regard to the practice ?

Resp. The question here proposed is, whether a Catholic may, from an entirely honest motive, and compelled by moral necessity, co-operate in heretical worship. Theologians are

quite at one in their judgment that so-called *formal* (as distinguished from *material*) co-operation in non-Catholic religious worship is sinful, because it implies an explicit approbation and conscious promotion of a cult which is contrary to the ordinances of God as expressed in the worship of the one true Church. False worship must be essentially displeasing to God so long as He has given us the means of ascertaining the true faith by sincere inquiry. It is not at all necessary to suppose that the people worshiping in the Protestant church are in bad faith, but they are in the *wrong*, and a Catholic being convinced of this by the very terms of his creed, cannot ignore the fact, that in assisting his erring brethren in the carrying out of their wrong pursuit, he himself is doing a wrong. If he did it unconsciously or unknowingly by a mere material act, he would not be guilty of sin. Thus a person in a strange place may be asked to play or sing in a public hall in order to fill an unexpected vacancy, and may do so through courtesy, without knowing at the time that the proceeds of the concert are for a purpose which his conscience could not approve. In this case we should have a mere material co-operation which is certainly no sin. The given case, however, is wholly different.

But does the severe logic of the maxim that it can never be right consciously to foster error, receive any mitigation from the circumstances in the case given, in which Cecilia

(1) Does not approve—nay, expressly disapproves the false worship in the church where she sings ; for her devout adherence to the practice of the Catholic faith is a proof of her position in this regard.

(2) Furthermore she acts under a sort of compulsion—a (moral) necessity to support her mother as well as herself.

(3) Lastly, until she meets her second confessor she is in good faith, believing that her circumstances create a sufficient moral sanction for her action. We answer :

(1) As to the fact that Cecilia does not approve the false worship in which she co-operates, it cannot undo the direct result flowing from her action by which she notably encour-

ages and sustains false worship. She is in the position of one who kindles a dangerous fire for some private purpose, and forseeing the inevitable result of an explosion, says to himself: "I surely do not wish to do any one injury by this," and as a proof of his sincerity appeals to his constant habit of charity to beggars. In other words, the motive here cannot change the nature of an action essentially wrong.

(2) Is the necessity under which Cecilia accepts the engagement as a breadwinner, such as to sanction the act?

We should say no. A necessity, to justify an act, ordinarily, as contrary to divine law, must be grave and absolute; a necessity such as would make every reasonable looker on say: He could not help life otherwise. A man may steal a piece of bread to save himself from starvation, he may kill another rather than yield his own life in a conflict; but there is in these cases no alternative. This could hardly, we fancy, be said in the case of Cecilia. Her necessity is a moral one (the weakest kind of necessity) though she may have difficulty in finding employment for a good voice in other ways, perhaps less respectable, yet also less wrong. "Imo etsi constaret," says Lehmkuhl, "haec (*i. e.* pulsare organa cantumve dirìgere in templo haeretico) coacte fieri: nihilominus quando in ritu religioso acatholico fiunt, ab ipso illo ritu, cujus ornamentum sunt, non possunt separari, ac proin tamquam formalem cooperationem intrinsecus mala esse puto."—Theol. Mor. Vol. I, n. 656.

(3) But how, under these circumstances, could Cecilia be left in "good faith," or was there any reason why the second confessor might have accepted the action of the first confessor?

We must confess that we should have been inclined to withhold for the moment the decision which reversed the indulgence of the previous confessor and now forces Cecilia at once to give up her position. Our reason for this more lenient interpretation lies—not in any desire to eliminate, by practically ignoring, the lines of demarcation which separate the true Church from the false religions,—but in the fact that in recent times and especially in the United States, non-

Catholic houses of worship are often nothing more than assemblies of moral culture without any distinctly religious or anti-Catholic (*i. e.* Protestant) bias. If there be no wrong in meeting non-Catholic friends in the lecture hall for the discussion of moral or social problems, we may accept the attendance in many so-called houses of non-Catholic worship, practically harmless; in as much as it presents to the Catholic neither danger that he may lose his faith, nor does it give scandal to those who realize this condition of things. Hence the question might arise what kind of place of so-called worship does Cecilia attend? Is it distinctly Protestant? Is she likely to suffer in her faith? Is she likely to be looked upon as disloyal to her own faith, or to scandalize her fellow Catholics? A building with a Protestant name or a Masonic hall often through necessity serve for assembly of Catholic worshipers. It is not the building, therefore, but the character of the place which must determine our attitude in this case.

And it must be well understood, too, that this condition of a neutral moral worship exists more especially in this New World among the people of the United States. It can hardly be understood or realized in Europe where the distinction of sects and their antagonism to the true Church is pronounced and recognized. Americans go to church more often to hear a lecture than to hear a sermon, and beyond the lecture there is little exterior worship. People meet often as they meet in a hall or at a reception, exchanging courtesies, hearing Doctor so and so speak on the moral aspect of the Monroe Doctrine, or on the dangerous tendencies of Democratic (Republican) majorities, etc. The singing is choice bits from oratorios, or the better class of operas or gems of one kind or another which it may be said without irreverence, suit equally well for love making as for declaring one's attachment to God.

Whilst, therefore, it might greatly shock a European, or South American Catholic to witness at all the practice of singing in a non-Catholic place of worship, Americans are less sensitive to this and hence less easily scandalized by it.

And Rome, indeed, wiser in her legislation than appears always on the surface, recognizes these differences. In an Instruction of the Cardinal Vicar, issued under the sanction of Leo XIII. (12 July, 1878), the co-operation of Catholics in Protestant service is, of course, distinctly forbidden, "graviter peccant," says the document, "qui etiam solius lucri causa cantant aut instrumenta musica pulsant in templis protestantium." But in issuing the Instruction, the Cardinal says of its injunctions: "Quorum aliqua valere attendas, quaeso, pro *loci circumstantiis, non pro omni loco eadem ratione.*" And we have an Instruction of a previous date addressed to an American prelate in the days when the Catholic Church was taking its foothold in Kentucky. The question was asked whether Catholics might help in building Protestant churches and Jewish synagogues, and the then Vicar Apostolic stated that many Catholics were actually engaged in thus making a livelihood. The following is the answer of the Propaganda:

"Non esse inquietandos dummodo non adsit scandalum, nec sit in contemptum religionis. Curet autem Episcopus ut artifices per missionarios et confessarios opportune instruantur, quando a propria praestanda opera in ecclesiis seu synagogis aedificandis se abstinere debeant. Tenentur scilicet ab opere se abstinere: 1. Ubi hujusmodi opus communiter habeatur pro signo protestativo falsae religionis; 2. Vel aliquid in ipso contineatur quod per se directe ac unice exprimat reprobationem damnati cultus heareticorum; 3. Aut constet artifices Catholicos ad opus adigi vel vocari ab haereticis in contemptum catholicae religionis. Caeterum quamvis extra hos casus relinquendi sint in bona fide, semper tamen monendi sunt ne haereticorum cultui co-operari intendant."—(Instruct. 14 Jan., 1818, Vicario Apost. Kentuck.).

Every word of the preceding Instruction is of weight. In conformity with the letter and spirit shown in the declaration and applied to the present case as far as need be, we would answer the questions from our Rt. Rev. correspondent as follows.

I. It is unlawful for Catholics to sing in Protestant

churches whatever the character of the music, so long as it is an integral part of the distinctly Protestant worship.

II. This by reason of the positive divine law forbidding false worship, and the positive ecclesiastical law forbidding formal participation in such worship.

III. and IV. In view of the endless variety outside of the Catholic Church of so-called "churches" in America, many of which pretend to nothing more than being assemblies of moral culture, the distinct character of false or heretical worship (which is forbidden) being more or less uncertain, a confessor may be justified to leave a person in such a position for the time being, especially when there is no danger of perversion or scandal, which would oblige him to condemn the action categorically.

He might even adopt this reserve where he is not certain from the circumstances that there is such danger, whilst the penitent is in good faith. But in every case it would be his duty of true charity to withdraw the person gradually from so dangerous a position. And this is done, as the foregoing document inculcates, by instruction and admonition, since there is question not so much of an evident and positive wrong as of a danger to commit wrong.

We give this opinion without being able to support it by any positive *authority* bearing on the precise question, and are, therefore, quite willing to have the matter discussed with reason, if there be any exception taken to our view.

THE CHURCH AND THE TEACHING OF THE MEDICAL PROFESSION ON THE SUBJECT OF CRANIOTOMY.

We call attention to a Decree of the Inquisition published in the present number of the REVIEW (*Analecta* pag. 171) which declares illicit the performance of certain surgical operations intended to save the life of a mother at the sacrifice of her unborn child.

By a happy coincidence we receive at the same time two

brochures from representative physicians, dealing with the practical aspect of this important question. Dr. C. P. Harrigan, of Chicago, in a paper entitled "A Plea for Modern Cesarean Section," read before the Illinois State Medical Society last May, points out that the practice of craniotomy, in view of its operative technique and the consequences which it entails under nearly all conditions, "*is the greatest error which has ever disgraced*" the medical profession; and he concludes that the experience of reputable practitioners everywhere makes it incumbent upon the members of the profession "to raise modern Cesarean section from the plane of an optional measure to rank as *the universally accredited procedure, from both the scientific and moral standpoint.*" (Pag. 5.)

Dr. George M. Boyd, of Philadelphia, makes important suggestions under the same head in a paper on "Recognition of Position in Labor," which appeared in the University Medical Magazine for October. Opportunities for a proper diagnosis being given, Dr. Boyd holds that "either the Cesarean operation of to-day or the induction of premature labor will give us a *nil* mortality, *while the selection of craniotomy of the living child must mean death to the infant*, the physician, with two lives placed under his charge, causing the loss of the one in order to save the other." (Pg. 7.)

BOOK REVIEW.

THE TEACHING OF ST. JOHN THE APOSTLE TO THE CHURCHES OF ASIA AND THE WORLD. By Augustine Francis Hewit, D.D., Cong. St. Paul. New York: The Catholic Book Exchange, 120 W. 60th st. 1895. Small quart., pp. 163.

The writings of St. John offer to the ecclesiastical historian of early Christianity a more fruitful field of information than either the synoptic Evangels or the Epistles of St. Paul. They represent the pastoral life of the Church, after the national dissensions between Jewish and Pagan converts had largely passed away. They were almost from the first accepted as canonical, which fact adds to their weight as historic evidence. If we regard them from the theological point of view they are equally important as defining the most crucial of dogmas upon which Christianity, so to say, rests—the divine personality of Christ. St. John himself, as a figure in the group of early saints, occupies an exceptional position. His own kindred and friends somehow looked upon him as an angelic, a spiritual being, so that they took the words of our Lord about him literally, and believed that he was never to die, but that his gentle form should ever walk the earth diffusing sweet odors of virginal piety.

To find any book which illumines for us this fair form is therefore a gain to Christian science; but when it comes in the present shape, and from one so well seasoned in the atmosphere of devout study as the venerable Paulist P. Hewit, we have reason to be grateful not only for the addition to our biblical literature, but even more so for the impulse which his initiative has given in the direction of refining the English of our present Catholic version. It has been the pronounced aim of the author to put into good old English the text corrected by Archbishop Kenrick, who revised with great care and critical acumen the old Douay and Rheims version. "I hope it may awaken attention," says Fr. Hewit, "to an acknowledged want,

and suggest to our bishops the importance of taking sufficient measure to supply it. I will add, also, the remark : that all those portions of holy Scripture which are contained in the Marquis of Bute's English Breviary come up so close to the desirable standard, in my opinion, that a similar version of the whole Bible would be precisely what is wanted for the common use of our Catholic laity." The text of St. John's writing, that is the Encyclical Letter to the Bishops and Churches of Asia Minor ; the holy Gospel ; the Epistle to the Seven Churches of Asia, is introduced by a brief survey of the doctrinal and historic characteristics of the sublime inspired words, the practical influence of which is thus rendered better understood, although they are in themselves perfectly clear.

The volume is handsomely published, with half tone illustrations, and is sure to be treasured by those who feel any attraction for the ennobling theme treated in its pages.

THE CHRISTIAN'S MODEL ; or Sermons on the Life and Death of Christ, the Example and Virtues of Mary, and Other Chosen Saints of God in Seventy-four Panegyrics and Moral Discourses Adapted to all the Sundays and Holy Days of the Year, etc. By the Rev. Francis Hunolt, S.J. Translated by the Rev. J. Allen, D.D. Vol. I and II, (second edition.)—New York, Cincinnati, Chicago . Benziger Bros. Large Octavo. Pp. 484 and 529.

These are the last two of twelve volumes (in their second edition) of a preacher's library which is in some sense unique. Fr. Hunolt's sermons have always been recognized as thoroughly practical and thoughtful. They cover all the phases of Christian life ; all the points and seasons of the liturgical year, and, what is most to be valued, they allow a great variety of choice for the selection of these topics. The admirable system of marginal notes which are placed along the pages permits the average preacher to fix the points and divisions of his sermon, and becomes suggestive of the material from which, at short notice, might be made up an outline and illustration of any given topic for a sermon.

An excellent feature of the last volume—because very helpful to the working preacher—is the exhaustive analysis of contents. There is, first of all, an " Alphabetical Index of Subjects," treated

in the volume or volumes of the set, separately named "The Christian's Model," which is a common feature of all the sets. Next we have a "General Index of all the Sermons of the whole Work for all the Sundays and Festivals of the Year." The number of sermons for each Sunday or Holyday varies from seven or eight to a dozen or more. This index is followed by another of "The *Subjects* Treated in the Whole Work." This index alone covers over sixty pages and is in substance a dictionary of topics for sermons with the added facilities of analysis, so that a person may use either the outline only, filling it in with his own material; or else he will find the whole sermon ready for his use by a discreet application of memory.

Hunolt's sermons are thus a publication of decided value for the clergy, and if we consider the expense and the incidental risk of issuing such a work, we have reason to be beholden to the Benziger's for the undertaking. The price of such works is sometimes made a cause of objection to them. This is hardly reasonable when we remember that the value to us personally of a book lies not in the amount of paper and ink or binding material expended, but in the contents; and similar considerations must affect the publishers who cannot sell a volume intended for a limited class of readers at the same price for which a novel or romance of equal size is sold to millions of the public.

"AETHIOPUM SERVUS," a study in Christian Altruism. By M. D. Petre.—London: Osgood, McIlvaine & Co., 1896. (Benziger Bros.) Pp. 226.

This is a valuable contribution to the solution of an important problem of the day. The question which agitates the philanthropic mind is: how are we to raise the masses to a level of contentment and thus to improve the general state of society? The answer comes in countless schemes by which the resourses at the disposal of the poor man are to be increased; he is to get a better environment and as a consequence he is expected to elevate himself to that intellectual plain of self-sufficiency which will enable him to get the most enjoyment out of life without robbing or scandalizing his fellows.

Our author contrasts the methods and results of modern philan-

thropic agitation in behalf of the abandoned masses with the spirit of Christian charity and self-denial. He shows how human misery is effectually overcome, not by giving the poor man better wages, or an exaggerated sense of his rights and dignity as king of creation and equal of his fellow-men, but by teaching him to appreciate the Christian virtues of humility, meekness, self-denial and voluntary sacrifice. It is an error to attempt to eliminate suffering from the life of earth, for it plays an *essential* part of our human existence in view of the reward held out to man in the next world. "Modern philanthropy has for its aim to remove the load; Christian charity seeks rather to sweeten it" whilst it strengthens man to bear it with hopeful equanimity.

This view is illustrated by a charming relation of the activity of St. Peter Claver, the story of whose life forms, so to say, the frame work upon which the author places his argument. This fact will give a peculiar interest to the volume in the eyes of Americans, and its lesson is perhaps nowhere more needed than in this generous land where altruism and philanthropy grow so naturally and are therefore easily confounded with that true Christian charity which alone can safeguard us against socialistic tendencies apt to undermine our great commonwealth.

The handsome style of book making of which the volume is a sample, readily invites to the reading of a work somewhat original in its conception but wholly devoted to the demonstration of a good theory.

INSTITUTIONES THEOLOGIAE Dogmaticae Specialis. —Tractatus de Gratia. Auctore Bernardo Jungmann. Editio sexta.—Ratisbonae, Neo Eboraci et Cincinnati: Fr. Pustet & Co., 1896.

It will suffice to have called attention to this new edition of P. Jungmann's theological treatise "De Gratia." Of his numerous works on the subject of special Dogma, none has proved so popular and has therefore been so frequently reprinted as this. This is probably due to the analytical faculty which the author displays to a remarkable degree, and which is most helpful in the interpretation and illustration of so difficult and profound a subject as that of grace. Is he Thomist or Augustinian, Molinist or Congruist? He explains them all very fairly.